

Subpart C—Mining Law Minerals

§ 3830.10 Locatable minerals.

§ 3830.11 Which minerals are locatable under the General Mining Law?

Minerals are locatable if they are:

- (a) Subject to the General Mining Law;
- (b) Not leasable under the Mineral Leasing Acts; and
- (c) Not salable under the Mineral Materials Act of 1947 and Surface Resources Act of 1955, 30 U.S.C. 601–615 (see parts 3600 through 3620 of this chapter).

§ 3830.12 What are the characteristics of a locatable mineral?

(a) Minerals are locatable if they meet the requirements in §3830.11 and are:

- (1) Recognized as a mineral by the scientific community; and
- (2) Found on Federal lands open to mineral entry.

(b) Under the Surface Resources Act, certain varieties of mineral materials are locatable if they are uncommon because they possess a distinct and special value. As provided in *McClarty v. Secretary of the Interior*, 408 F.2d 907 (9th Cir. 1969), we determine whether mineral materials have a distinct and special value by:

- (1) Comparing the mineral deposit in question with other deposits of such minerals generally;

(2) Determining whether the mineral deposit in question has a unique physical property;

(3) Determining whether the unique property gives the deposit a distinct and special value;

(4) Determining whether, if the special value is for uses to which ordinary varieties of the mineral are put, the deposit has some distinct and special value for such use; and

(5) Determining whether the distinct and special value is reflected by the higher price that the material commands in the market place.

(c) Block pumice having one dimension of 2 or more inches is an uncommon variety of mineral material under the Surface Resources Act, and is subject to location under the mining laws.

(d) Limestone of chemical or metallurgical grade, or that is suitable for making cement, is subject to location under the mining laws.

(e) Gypsum suitable for the manufacture of wall board or plaster, or uses requiring a high state of purity, is subject to location under the mining laws.

Subpart D—BLM Service Charge and Fee Requirements

§ 3830.20 Payment of service charges, location fees, initial maintenance fees, annual maintenance fees and oil shale fees.

§ 3830.21 What are the different types of service charges and fees?

The following table lists service charges, maintenance fees, location fees, and oil shale fees (all cross-references refer to this chapter):

Transaction	Amount due per mining claim or site	Waiver available
(a) Recording a mining claim or site location (part 3833).	(1) A total sum which includes (i) the processing fee for notices of location found in the fee schedule in §3000.12 of this chapter. (ii) A one-time \$34 location fee. (iii) An initial \$140 maintenance fee.	No.
(b) Amending a mining claim or site location (§3833.20).	The processing fee for amendment of location found in the fee schedule in §3000.12 of this chapter.	No.
(c) Transferring a mining claim or site (§3833.30).	The processing fee for transfer of mining claim/site found in the fee schedule in §3000.12 of this chapter.	No.
(d) Maintaining a mining claim or site for one assessment year (part 3834).	A \$140 annual maintenance fee	Yes, see part 3835.
(e) Recording an annual FLPMA filing (§3835.30).	The processing fee for recording an annual FLPMA filing found in the fee schedule in §3000.12 of this chapter.	No.