

## § 3833.32

### § 3833.32 How do I transfer a mining claim or site?

(a) State law governs transferring mining claims or sites. A transfer is effective in the manner and on the date provided by state law, not the date you file it with BLM.

(b) You must file in the BLM State Office a notice of the transfer that includes:

(1) The name and, if available, the serial number BLM assigned to the claim or site when the notice or certificate of location was originally recorded (the person who transferred you ownership or legal interest should have this number);

(2) Your name and current mailing address; and

(3) A copy of the legal instrument or document that you used to transfer the interest in the claim or site under state law.

(c) For each mining claim or site transferred, each transferee must pay the full processing fee specified in the table of service charges and fees in § 3830.21 of this chapter.

(d) BLM will notify the claimant of record with BLM of any action it takes regarding a mining claim or site. If BLM is required by law to give a claimant notice of any new legal requirements, BLM has properly given notice by sending the notice to the claimant of record with BLM.

[68 FR 61071, Oct. 24, 2003, as amended at 70 FR 58879, Oct. 7, 2005]

### § 3833.33 How may I transfer, sell, or otherwise convey an association placer mining claim?

You may transfer, sell, or otherwise convey an association placer mining claim at any time to an equal or greater number of mining claimants. If you want to transfer an association placer claim to an individual or an association that is smaller in number than the association that located the claim, you—

(a) Must have discovered a valuable mineral deposit before the transfer; or

(b) Upon notice from BLM, you must reduce the acreage of the claim, if necessary, so that you meet the 20-acre per locator limit.

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### 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?

Defects or other problems that cannot be cured and therefore result in forfeiture of your mining claims or sites are:

(a) Failing to record a mining claim or site within 90 days after you locate it;

(b) Failing to pay the location fee or initial maintenance fee within 90 days after you locate it; and

(c) Locating a mining claim or site on lands withdrawn from mineral entry at the time you locate it.

#### § 3833.92 What happens if I do not file a transfer of interest?

Even if you record your transfer or amendment with the local recording office, BLM will not recognize the interest you acquire, or send you notice of any BLM action, decision, or contest, regarding the mining claim or site until you file the transfer with BLM (see § 1810.2 of this chapter). The Department will treat the last owner of record as the responsible party for maintaining the mining claim or site until you file a transfer notice. You cannot claim that BLM failed to give you notice of any BLM action, decision, or contest regarding a mining claim or site if you failed to file a transfer notice showing that you have an interest in the mining claim or site, before BLM took the action, made the decision, or issued a contest complaint.

## PART 3834—REQUIRED FEES FOR MINING CLAIMS OR SITES

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AUTHORITY: 43 U.S.C. 1201, 1740; 30 U.S.C. 28f; 115 Stat 414; 30 U.S.C. 242.

SOURCE: 68 FR 61073, Oct. 24, 2003, unless otherwise noted.

### Subpart A—Fee Payment

**§ 3834.10 Paying maintenance, location, and oil shale fees.**

**§ 3834.11 Which fees must I pay to maintain a mining claim or site and when do I pay them?**

(a) *All mining claims or sites (except oil shale placer claims).* Paying the maintenance fee(s) in lieu of performing assessment work satisfies the requirements of the mining law and FLPMA. See § 3830.21 for fee amounts.

(1) *Location fee and initial maintenance fee.* When you first record a mining claim or site with BLM, you must pay a location fee and an initial maintenance fee for the assessment year in which you located the mining claim or site.

(2) *Annual maintenance fee.* You must pay an annual maintenance fee on or before September 1st of each year in order to maintain a mining claim or site for the upcoming assessment year.

(b) *Oil shale placer claims.* (1) Under the Energy Policy Act of 1992, 30 U.S.C. 242, if you own an oil shale placer claim, you must pay an annual \$550 fee and file a notice of intent to hold, with the applicable service charge, each calendar year on or before December 30—

(i) If you elected to maintain an oil shale placer claim;

(ii) If you elected to apply for limited patent; or

(iii) If you filed a patent application for an oil shale placer claim but did not receive a first half final certificate on or before October 24, 1992.

(2) See part 3835 of this chapter for notice of intent to hold requirements, and the table of fees and service charges in § 3830.21 of this chapter.

(3) You need not pay the annual \$550 fee, or file a notice of intent to hold, if you filed a patent application and received a first half of the mineral entry final certificate on or before October 24, 1992.

**§ 3834.12 How will BLM know for which mining claims or sites I am paying the fees?**

When you pay any fees to BLM, you must include a list of the mining claims or sites that you are paying for by claim name, and by the BLM serial number if BLM has notified you what the serial numbers are.

**§ 3834.13 Will BLM prorate annual maintenance or oil shale fees?**

BLM will not prorate annual maintenance or oil shale fees if you hold a mining claim or site for only part of a year. You must pay the full annual fee even if you hold the claim or site for just one day in an assessment year.

**§ 3834.14 May I obtain a waiver from these fees?**

(a) No waivers are available for the initial maintenance fee or the annual \$550 oil shale fee.

(b) You may request a waiver from annual maintenance fees under certain circumstances. See part 3835 of this chapter.

### Subpart B—Fee Adjustment

**§ 3834.20 Adjusting location and maintenance fees.**

**§ 3834.21 How will BLM adjust the location and maintenance fees?**

BLM will adjust the location and maintenance fees at least every 5 years, based upon the CPI, as required by 30 U.S.C. 28j(c), or at any other time as required by other statute.

[70 FR 52030, Sept. 1, 2005]

**§ 3834.22 How will I know that BLM has adjusted location and maintenance fees?**

BLM will publish a notice in the FEDERAL REGISTER about the adjustment on or before July 1st of a given year in order to make the adjusted fees due on September 1st of the same year.

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**§ 3834.23 When do I start paying the adjusted fees?**

(a) In the case of a CPI adjustment required by 30 U.S.C. 28j(c), you must pay the adjusted initial maintenance and location fees when you record a new mining claim or site located on or after the September 1 that immediately follows the date BLM published its notice about the adjustment.

(b) In the case of adjustments required by other statute, you must pay the adjusted initial maintenance and location fees for a new mining claim or site as provided in the statute.

(c) For previously recorded mining claims and sites, you must pay the CPI-based adjusted maintenance fee on or before the September 1 that immediately follows the date BLM published its notice about the adjustment.

(d) Notwithstanding 43 CFR 3830.91(a)(3) and 3830.96, in any year in which BLM adjusts the maintenance and location fees, if you pay the fees timely, but pay an amount based on the fee in effect immediately before the adjustment was made, BLM will send you a notice, as provided in §3830.94, giving you 30 days in which to pay the additional amount required to meet the adjusted fees. If you do not pay the additional amount due within 30 days after the date you received the notice, you will forfeit the affected mining claims or sites.

[70 FR 52030, Sept. 1, 2005]

**PART 3835—WAIVERS FROM ANNUAL MAINTENANCE FEES**

**Subpart A—Filing Requirements**

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3835.1 How do I qualify for a waiver?

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3835.11 What special filing and reporting requirements pertain to the different types of waivers?

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year, what must I do if I want to pay the maintenance fee for the following assessment year?

3835.17 What additional requirements must I fulfill to obtain a small miner waiver for my mining claims or sites on National Park System lands?

**Subpart B—Conveying Mining Claims or Sites Under Waiver**

3835.20 Transferring, selling, inheriting, or otherwise conveying mining claims or sites already subject to a waiver.

**Subpart C—Annual FLPMA Documents**

3835.30 Annual FLPMA documents.

3835.31 When do I file an annual FLPMA document?

3835.32 What should I include when I submit an affidavit of assessment work?

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**Subpart D—Defective Waivers and FLPMA Filings**

3835.90 Failure to comply with this part.

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3835.92 What if I fail to submit a timely waiver request?

3835.93 What happens if BLM finds a defect in my waiver request?

AUTHORITY: 30 U.S.C. 22, 28, 28f-28k; 43 U.S.C. 2, 1201, 1457, 1701 *et seq.*; 50 U.S.C. App. 501, 565; 115 Stat. 414.

SOURCE: 68 FR 61073, Oct. 24, 2003, unless otherwise noted.

**Subpart A—Filing Requirements**

**§ 3835.1 How do I qualify for a waiver?**

(a) Under certain conditions, you may qualify for a waiver from the annual maintenance fee requirements. You cannot obtain a waiver from service charges, the location fee, the initial maintenance fee, or the \$550 oil shale fee.

(b) The following table lists the types of waivers available and how you qualify for them (detailed requirements for each category appear in §3835.10):

Type of waiver	Qualifications
(a) Small Miner .....	All related parties must hold no more than a total of 10 mining claims or sites nationwide, not including oil shale claims; and All co-claimants must qualify for the small miner waiver.