

§ 3835.32

43 CFR Ch. II (10–1–11 Edition)

(c) If part 3836 of this chapter does not require you to perform assessment work, either because you located the claim during the current assessment year or because BLM has deferred assessment work, you must submit a notice of intent to hold under §§3835.32 and 3835.33 of this part as an annual FLPMA document filing. You must

state in the notice of intent to hold either that BLM has deferred the assessment work requirement or that you located the claim during the current assessment year.

(d) The following table describes the circumstances under which you must file annual FLPMA documents:

Your situation	Affidavit of assessment work required	Notice of intent to hold required
(1) You have paid annual maintenance fees.	No	No.
(2) You have an oil shale placer claim	No	Yes, by December 30 of each year you must pay the \$550 oil shale fee.
(3) You have a small miner waiver that covers mining claims.	Yes, by December 30 for each assessment year you obtained a small miner waiver.	Yes, but only as described in paragraph (c) of this section.
(4) You have a small miner waiver that covers mill or tunnel sites.	No affidavit assessment work is required for mill or tunnel sites.	Yes, notices of intent to hold are required for mill and tunnel sites.
(5) You have a Soldiers and Sailor's Civil Relief Act Waiver.	No	No.
(6) You have a reclamation waiver	No	Yes.
(7) You have a waiver because you have been denied access.	No	Yes.
(8) You have a deferment of assessment work.	No	Yes, but only as described in paragraph (c) of this section.
(9) You have applied for a mineral patent and BLM has issued a final certificate.	No	No.

[68 FR 61064, Oct. 24, 2003; 68 FR 74197, Dec. 23, 2003]

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

When you submit an affidavit of assessment work as required in §3835.31(d), you must include the following:

- (a) The name and, if available, the BLM serial number of the claim for which you did assessment work;
- (b) Any known changes in the mailing addresses of the claimants;
- (c) A processing fee for each mining claim affected. (See the table of service charges and fees in §3830.21 of this chapter); and
- (d) An exact legible reproduction or duplicate, other than microfilm or other electronic media, of either:
 - (1) The affidavit of assessment work that you filed or will file in the county where the claim is located; or
 - (2) The report of geological, geochemical, and geophysical surveys you filed in the county where the claim is

located, as provided for in part 3836 of this chapter.

[68 FR 61064, Oct. 24, 2003, as amended at 70 FR 58879, Oct. 7, 2005]

§ 3835.33 What should I include when I submit a notice of intent to hold?

When you submit a notice of intent to hold as required in §3835.31(d), you must include the following:

- (a) An exact legible reproduction or duplicate of a letter or other notice with signatures of one or more of the claimants or their agent that states your intention to hold the mining claims or sites for the calendar year in which the assessment year ends, and that you filed or will file a notice of intent to hold in the county where the claim is located;
- (b) If applicable:
 - (1) A copy of a BLM decision granting a deferment of the annual assessment work;
 - (2) A copy of a pending petition for deferment of the annual assessment work including the date you submitted the petition; or