

§ 3832.90

Subpart E—Defective Locations

§ 3832.90 Defects in the location of mining claims and sites.

§ 3832.91 How do I amend a mining claim or site location if it exceeds the size limitations?

(a) You may correct defects in your location of a mining claim, mill site, or tunnel site by filing an amended notice of location (see §3833.20 of this chapter on conditions allowing amendments and how to record them.)

(b) For placer claims or mill sites that you located using an irregular survey or lotting of irregular sections, you may use the “Rule of Approximation” to determine allowable acreage. The Rule of Approximation applies only to surveyed public lands. It was developed to determine maximum allowable acreage for land entries (placer claims in this part) where the excess acreage is less than the difference 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?

43 CFR Ch. II (10–1–12 Edition)

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