

Locator Requirements for Association Placer Mining Claims

Each mining claimant of a placer mining claim must be qualified to locate an association placer mining claim and the mining claim must conform to the requirements of Federal law, 30 U.S.C. 35, 36, and regulations at 43 CFR 3832.22. These laws allow the location of a placer mining claim greater than 20 acres so long as each of the locators has a bona fide interest in the claim, and has located the claim independently, for their own self-interest, and in good faith. The law is well established that a person cannot use the names of his friends, relatives, or employees as dummy locators in order to locate for his own benefit a greater area of placer ground than is allowable by law. Any claim located using dummy locators is not a valid mining claim.

By recording a location notice with BLM, the locators are representing to the United States government that they meet the qualifications for locating an association placer claim and that they are not using the names of other persons as dummy locators to locate more than 20 acres per claim for their own benefit. The use of dummy locators in an attempt to appropriate more than 20 acres per bona fide individual claimant is a fraud upon the United States which can cause the entire claim to be void. In accordance with 43 CFR 3830.9, if you file a document that you know contains false, erroneous, or fictitious information or statements, you may be subject to criminal penalties under 18 U.S.C. 1001 and 43 U.S.C. 1212. The maximum penalty is 5 years in prison and/or a fine of \$250,000. See Rock Solid Inc. and Mining, 170 IBLA 317 (2006) and American Colloid Co., Bentonite Corp., 154 IBLA 15 (2000).

In accordance with 43 CFR 1822.10, all documents required to be filed with the BLM must contain the legal name and current address for each applicant (claimant). In addition, regulation 43 CFR 3833.11(b)(2) requires that a notice/certificate of location contain the names and current mailing addresses of each locator of the claim/site. Therefore, each locator of an association placer mining claim must provide their mailing address. If only one address is provided, each locator will be required to submit additional documentation. If the required information is not submitted to the BLM, you may have to reduce the size of your claim to 20 acres.

In accordance with 43 CFR 3833.33, 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. Per 43 CFR 3830.5, a discovery means that you have found a valuable mineral deposit. Any association placer claim transferred that does not meet these requirements is not a valid mining claim. See Owyhee Calcium Products, Inc., 72 IBLA 239 (1983).