



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Oregon State Office
P.O. Box 2965, Portland, Oregon 97208
blm.gov/or

MINING CLAIM AND SITE ANNUAL FILING REQUIREMENTS

This document serves as the BLM Oregon/Washington annual reminder packet sent to holders of Federal unpatented mining claims and sites. This packet will not be sent out by mail this year.

The BLM Oregon/Washington State Office is available to assist by phone at (503) 808-6001 (option 2), or by email at BLM_OR_SO_Land_Office_Mail@blm.gov.

If you wish to hold Federal unpatented mining claims or sites in Oregon or Washington, you must pay the annual maintenance fee or file a Maintenance Fee Waiver Certification, Form 3830-2 (waiver) on or before September 1, 2022, for the upcoming 2023 assessment year. Failure to meet this deadline is a non-curable defect which will subject your claims or sites to forfeiture by operation of law.

SUBMITTING FILINGS OR PAYMENTS TO THIS OFFICE

Where can I submit a filing or pay my annual maintenance fees?

We encourage the payment of maintenance fees and the submission of mining claim filings online through the Mineral and Land Records System (MLRS) at <https://mlrs.blm.gov/s/> or by mail. Most mining claim filings and payments may be submitted in MLRS except for the Maintenance Fee Waiver Certification. Waiver certifications must be mailed to the office.

How do I pay the maintenance fees or submit filings in MLRS?

1. Log into MLRS.
2. Select the appropriate filing or payment from the 'Take Action' menu.

3. Select one or multiple claims that require maintenance fees, the system will calculate the total amount due for the claim(s) selected.
4. Follow the prompts on the screen to upload documents and/or enter the payment information.

Where do I find the forms to file?

BLM Forms are available online at: [Forms | Bureau of Land Management \(blm.gov\)](#) by clicking on the title fluid and solid minerals, mining claims, and scrolling down the list by form number. This office will also mail out forms upon request.

How do I know which form is required?

There are two BLM maintenance fee payment forms available online which are optional and available for your use. The Maintenance Fee Payment Form for Lode Claims, Mill Sites, and Tunnel Sites, Form No. 3830-5 and the Maintenance Fee Payment Form for Placer Mining Claims, Form No. 3830-5a.

*If you are paying maintenance fees online using MLRS, you do not need to upload a maintenance fee payment form.

If you are filing a maintenance fee waiver, you must use the official BLM Maintenance Fee Waiver Certification, Form 3830-002.

If you are filing an Affidavit of Annual Assessment Work, we have BLM form No. 3830.004 available but using this form is not mandatory.

If you are filing a Notice of Intent to Hold, there is no BLM form available. The claimant must create a form or may use one found online.

How do I submit my payment or waiver by mail?

For mining claims located in Oregon or Washington all filings and payments must be sent to the BLM Oregon/Washington State Office at the addresses below:
To mail by US Post Office, use the post office box address at:

Bureau of Land Management
Attn: Mining Claims
PO Box 2965
Portland, OR 97208

For payments or filing sent using FedEx or UPS, use the street address at:
Bureau of Land Management
Attn: Mining Claims
1220 S.W. 3rd Avenue
Portland, OR 97204

Will the BLM accept late filed waivers or payments?

No.

A maintenance fee payment or the original copy of a Maintenance Fee Waiver Certification must be mailed to this office with a valid postmark before the deadline of September 1, 2022, to be accepted by this office. If the item is late, it will be returned to the sender and the claim will be closed.

MAINTENANCE FEES

Why is the maintenance fee paid annually?

In accordance with section 314(a) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 USC 1744(a), the owner of an unpatented mining claim or site shall file evidence of assessment work performed on a claim or notice of intention to hold a site with the proper BLM office on or before December 30th of each year following the calendar year in which the claim was located. Paying the maintenance fee(s) in lieu of performing assessment work satisfies the requirements of the mining law and FLPMA.

What does timely filed mean?

This means the maintenance fee payment or waiver has been mailed to this office with a postmark on or before September 1, 2022; or a payment is made in the

Mineral and Land Records System (MLRS) at <https://mlrs.blm.gov/s/> on or before the deadline of September 1, 2022.

What is the amount due for maintenance fees?

The maintenance fee for a lode claim, mill site, or tunnel site is \$165.00 per claim or site.

The fee for a placer claim is \$165.00 for each 20 acres of the claim or portion, thereof. For example: if a placer claim contains 70 acres, the maintenance fee is \$660 (\$165.00 for each 20 acres + \$165.00 for 10 acres).

Is there another option than paying the maintenance fee?

Yes, if all claimants qualify you may opt to file a waiver from the payment of maintenance fees. There are additional requirements due within the assessment year if you choose this option.

MAINTENANCE FEE WAIVERS

How do I determine if we qualify to waive the maintenance fee requirement?

A maintenance fee waiver certification may be filed if you and all related parties own 10 or fewer claims and/or sites nationwide on September 1, 2022, and throughout the assessment year.

What happens if we go over the 10-claim limit?

If this office finds you do not qualify for the waiver on September 1, 2022, we will deny the waiver and the claims will be closed.

Further, throughout the 2023 assessment year, if any of the owners or their related parties go over this 10-claim limit, you and all parties will be subjected to paying the maintenance fees for all mining claims held by a waiver by the end of the assessment year or the claims will be closed.

How do I file a maintenance fee waiver certification?

The regulations at 43 CFR 3835.10 state you must submit the Bureau of Land Management's (BLM) official Maintenance Fee Waiver Certification, Form 3830-2 (waiver) on or before September 1 of each assessment year for which you are seeking a waiver. There is no fee to file the waiver.

All waivers must include the following:

1. The names and addresses of **all claimants** who maintain an interest in the mining claim.
2. The original signatures of **all claimants** who maintain an interest in the mining claim. A claimant may have an agent submit a waiver form on their behalf if they file or have filed with BLM a power of attorney or other legal documentation which shows that the agent is acting on their behalf.
3. The name and serial number of the mining claim or site.
4. The dates for which you are seeking a waiver.
 - a. A waiver for the upcoming 2023 assessment year should have the years at the top of the waiver listed as Item #1 reading “.... beginning on September 1, 2022, and ending on September 1, 2023.” Item #2 should read “The undersigned and all related parties owned ten or fewer mining claims on September 1, 2022.”

Is my designation of agent form on file?

If an owner would like an agent to sign the waiver form on their behalf, a notarized designation of agent or power of attorney form listing the owners name(s), the claim name(s), and specific power granted to the agent regarding the claim must be filed with this office at the time of filing the waiver.

This office will acknowledge a designated agent and retain the form in the official casefile for three (3) years from the date of the signature on the form. We recommend updating this form every three years if you wish to retain an agent.

What are my obligations once I receive a waiver?

If BLM allows you the waiver, you must then perform \$100 worth of assessment work on each claim listed on the waiver within the assessment year; and file an affidavit of assessment work (labor) form along with the proper processing fee(s) by the deadline of December 30th of the calendar year in which the assessment year ends (43 CFR § 3835.12).

However, you do not need to complete assessment work in the assessment year when you located your claim. So, if under the Mining Law you are not required to perform assessment work then a notice of intent to hold form along with the proper processing fees must be filed on or before December 30th immediately following the filing of the waiver.

AFFIDVAVIT OF ANNUAL ASSESSMENT WORK

What are the general requirements for performing assessment work?

Beginning in the assessment year that begins after you locate your mining claim, you must expend \$100 in labor or improvements for each claim for each assessment year preceding the date on which you file for a small miner waiver.

You may perform assessment work on:

1. Each individual claim,
2. One or more claims in a group of contiguous lode or placer claims that you own or hold an interest in and that cover the same mineral deposit; or
3. Adjacent or nearby lands if the work supports development of the minerals on the claim(s).

Your total expenditure must equal at least \$100 per claim.

How do I file an affidavit of assessment work?

An affidavit of assessment work form along with a \$15 per claim processing fee is due in the BLM State Office by December 30 of the calendar year in which the assessment year ends. Coordination with the appropriate BLM or USFS field office is required, prior to any assessment work being initiated.

There is a BLM form that may be used titled Affidavit of Annual Assessment Work (Form 3830-004).

Claimants may also create an affidavit which is defined as a written declaration made under oath or affirmation before a notary public or other authorized officer, in which the signer swears or affirms that the statements or declarations in the document are true so long as it has the following required information on the document:

- The statement "the undersigned have performed \$100 worth of assessment work as required by law (30 U.S.C. 28) for each mining claim listed
- Claimant name and current address
- Claim name(s) and BLM serial number(s)
- Date range in which the work was performed
- Signed by Claimant or Person (s) who performed the work
- Affidavits should be signed and notarized

NOTICE OF INTENT TO HOLD

When is a notice of intent to hold required?

A notice of intent to hold the mining claim or site must be filed in the following circumstances:

- It is the first assessment year in which the claim was established (located) and a waiver was filed for the upcoming assessment year (assessment work is not required the first year of location)
- A waiver was filed for a tunnel or mill site (assessment work is not required on mining sites)
- The maintenance fee was paid the last assessment year, and a waiver is being filed for the upcoming assessment year (switching from paying maintenance fee to filing as a small miner waiver)
- The BLM has issued a decision granting a deferment of assessment work

How do I file a notice of intent to hold?

A notice of intent to hold form may be created to meet the Federal requirements as listed below or other states may have ones online that may be modified to state you are holding an Oregon/Washington mining claim or site.

The required information for an acceptable notice of intent to hold form is:

- BLM serial number
- Mining claim or site name
- Name and mailing address of the claimant filling out the form
- A statement as to why assessment work is not required
- A signature of the claimant or designated agent.

The notice of intent to hold form along with a \$15 per claim/site processing fee is due by December 30th of the calendar year following the filing of the waiver or request for deferment.

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