

U.S. Department of the Interior
Bureau of Land Management

Mining Claim Packet



Photo Courtesy of Stephanie Carter, Geologist

Mine in Leadville, Colorado

BLM COSO Mining Claim Packet

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Notice to Mining Claimant

The mining laws permit the prospector and miner to make reasonable use of a mining claim as long as the use is incident and necessary to prospecting, mining and processing operations under the 43 CFR [3809](#) & [3715](#) regulations.

The United States has paramount ownership in the land in which it has a duty and right to protect against waste and unauthorized use. A mining claimant has merely a possessory interest in a valid location, for the purpose of mining until his location is canceled. The Bureau will proceed to terminate unauthorized use and collect any damages from the beginning of the wrongful occupancy.

Any use of the surface for the purpose of mining on an unpatented claim is only allowed by permit. Use of the surface for purposes unrelated to mining is unauthorized and therefore, considered to be in trespass.

The unauthorized use of a mining claim can become a very serious problem for the claimant, particularly when a valuable improvement is constructed or placed on an unpatented claim. A person stands to lose all of his/her investment because of such trespass action. In many cases, we have found that unauthorized use began because of the claimant's lack of knowledge of the mining laws. Therefore, we are cautioning owners of mining locations in an effort to prevent any future difficulties and to encourage the proper use of Public Lands.



So, You Want to Locate a Mining Claim?

1. Before you can locate a mining claim or site, you must determine if the lands are in fact open to location and mineral entry. A mining claim cannot be located in areas closed to mineral entry under the authority of specific laws, regulations, and/or Public Land orders, or on private land where the Federal Government does not own the mineral estate. The BLM Colorado State Office, Andy Senti Public Information Center staff is available to answer questions about BLM programs, file mining claims, assist with research and interpretation of BLM records, sell maps and passes, and provide recreation brochures. Also, the Bureau of Land Management (BLM), General Land Office (GLO) Records Automation web site (<http://www.glorerecords.blm.gov>), provides live access to Federal land conveyance records for the Public Land States, including image access to more than five million Federal land title records issued between 1788 and the present. They also have images of survey plats and field notes, land status records, and control document index records.
2. On lands open to mineral entry, you may prospect and properly locate mining claims or sites. The type of mining claim or site you locate is dependent on the type of mineral you are seeking. **If the lands have already been claimed, it is strongly advised that you choose a different location.**
3. If you are locating a mining claim, it must be either a placer mining claim or a lode mining claim as described below:

Placer Claim: Rock not in original place (river sands or gravel); may not exceed 20 acres per individual claimant; maximum size is 160 contiguous acres with at least 8 locators; must be described by aliquot part; if in un-surveyed township must state the quarter section, can be described by a metes & bounds description & must provide a map/sketch describing the location of the claim accurately enough for BLM to locate it on the ground ([43 CFR 3832.12 and 3832.21](#)).

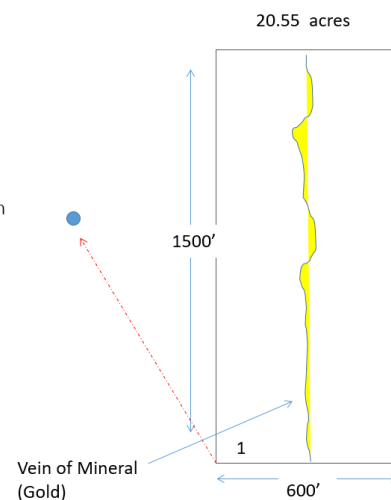
Lode Claims: Veins, ledges, or other rock in place; not to exceed 1500 ft. by 600 ft.; must state the quarter section and be accompanied by a map/sketch describing the location of the claim by a metes & bounds description accurately enough for BLM to identify the claim on the ground. ([43 CFR 3832.21\(a\)](#)).

Lode Mining Claim

Metes and Bounds Description

Beginning at corner #1, then go 600 ft. east to corner #2, then 1,500 ft. north to corner #3, then 600 ft. west to corner #4, then 1,500 feet south back to corner #1.

The section corner is N 31° W, 1250 ft. from corner #1



4. If you intend to locate a mining site it may be a mill site or a tunnel site. It must be located in accordance with the regulations and official approval must be obtained prior to any operation.

Mill Site: Non-mineral land not contiguous to vein or lode & used for activities related to mineral development of associated lode or placer, or for independent milling or reduction; not to exceed 5 acres. Description of the location of the site can be by aliquot part or metes & bounds ([43 CFR 3832.33](#)).

Tunnel Site: Subsurface right-of-way used for access to lode claims or exploration of undiscovered lodes; not to exceed 3000 ft. in length with a radius of 1500 ft. ([43 CFR 3832.41](#)).

5. When you determine the location is open to mining, the next step is staking the claim. Federal law specifies that claim boundaries must be distinctly and clearly marked and readily identifiable on the ground.
6. Once the mining claim or site is located on the ground, it must be properly documented and described on a certificate of location (COL) and an accompanying map. A separate COL is required for each mining claim or site recorded. Multiple COL's filed at the same time may share the same map. There is no official COL or map form for the State of Colorado, thus using a COL form from another state is acceptable.

The federal regulations at [43 CFR 3833.11](#), require the following information must be provided on a COL:

- Name and Address of all Locators
- Date of Location
- Type of Mining Claim or Mining Site
- Name of Mining claim or site
- Location of the Mining claim or site – Legal Description
- Size of Mining claim or site - Acreage

7. Finally, the mining claim or site (COL and map) must be recorded in the local county office (clerk and recorder) as well as the BLM State Office.

The State of Colorado's deadline for recording a COL in the county clerk and recorder's office from the date the claim is located is 30 days if it's a placer claim, and 90 days if it's a lode claim. Federal regulations state a mining claim or site must be filed along with the appropriate fees within 90 days from the date of location at the proper BLM State Office.

The fees to file new mining claims or sites with the BLM Colorado State Office are:

- \$37 Location Fee (refundable)
- \$20 Processing Fee (nonrefundable)
- \$155 Maintenance Fee** (per 20 acres for association placers, see below) (refundable)

Total Fees Required: \$212

**If the mining claim is an association placer mining claim, the fees will increase as described below.

Association Placer Claims

\$155 maintenance fee for each 20 acres or portion thereof as shown in the table below:

Acreage in the Claim	Maintenance Fee Payment Due
<= 20 acres	\$155.00
> 20 acres and <= 40 acres	\$310.00
> 40 acres and <= 60 acres	\$465.00
> 60 acres and <= 80 acres	\$620.00
> 80 acres and <= 100 acres	\$775.00
> 100 acres and <= 120 acres	\$930.00
> 120 acres and <= 140 acres	\$1,085.00
> 140 acres and <= 160 acres	\$1,240.00

Bridge Mining Claims/Sites

A new mining claim located (location date) prior to September 1, but later filed with the BLM after September 1 are referred to as bridge claims, as it bridges two assessment years. A bridge claim is located in one assessment year, and filed in the next assessment year. Bridge claims require an additional Maintenance Fee payment or waiver to be filed, in addition to the initial \$212 paid for a new claim. This additional requirement must be met within 90 days from the date of location (167 IBLA 82 (2005)). Further, the option to file a waiver for the maintenance fee is only available at the time the new location is filed with this office. We may not accept any waivers after that time.

8. Following the initial location of a new mining claim or site, claimants must adhere to the annual maintenance requirements for unpatented mining claims or sites. This is for every assessment year. All new mining claims or sites are located within an assessment year that runs from September 1 through September 1, and every assessment year after that initial location an annual maintenance fee payment will be due to keep the mining claim or site active. There is a waiver for the fees discussed later in this packet. The annual maintenance of the mining claim or site must be met or the mining claim or site will be closed.

Additional information can be found in the pamphlet “[Mining Claims and Sites on Federal Lands](#)”, and by contacting the BLM Colorado State Office, Andy Senti Public Lands Information Center, at <https://www.blm.gov/contact/colorado> or by calling 303-239-3600.

Mining on Public Land, Frequently Asked Questions

What rules apply to gold panning?

Answer: Gold panning is allowed on BLM lands without special permits, unless expressly prohibited. Gold panning is considered casual use. Casual use is defined as those activities that cause little or no surface disturbance (43 CFR 3809.5(1&2)).

There may be special rules that apply to certain areas including, but not limited to, the Arkansas River area. Contact the Surface Management Agency’s field office with jurisdiction over the area where you intend to gold pan for further guidance before you begin.

I want to go rock hounding on Public Land; do I need a mining claim to legally collect?

Answer: No.

I have a favorite place on Public Land where I dig for minerals, but I don't find many that I take with me. Does this activity still qualify as rock hounding?

Answer: It may qualify as casual use according to BLM regulations. Check with the appropriate Federal Surface Management Agency and the Colorado Division of Reclamation, Mining and Safety for guidance.

Does an active mining claim guarantee me rights to extract minerals without a bond?

Answer: No.

Prior to conducting surface-disturbing activities, contact the appropriate Federal Surface Management Agency and the Colorado Division of Reclamation, Mining and Safety to ensure the proper paperwork is filed and the appropriate financial guarantees are secured.

Do I need a mining claim to suction dredge on Public Land?

Answer: No.

If you intend to conduct suction dredging activities on federal land it is in your best interest to contact the local BLM field office or FS ranger district to determine how you should proceed and what paperwork you may need to file.

A mining claim gives the claimant the exclusive right to the minerals being claimed. It is a standard industry practice to locate and file a claim to obtain exclusive rights to the minerals that are being explored and developed.

Is a patented mining claim private property?

Answer: Yes.

Is an unpatented mining claim considered real property?

Answer: Yes.

The discovery of a valuable mineral deposit within the limits of a mining claim located on Public Lands in conformance with state and Federal statutes validates the claim; and the locator acquires an exclusive possessory interest in the mineral deposits within the claim.

Further, the claim is property in the fullest sense of that term; and may be sold, transferred, mortgaged, and inherited without infringing any right or title of the United States...so long as he complies with the provisions of the mining laws [*United States Supreme Court case of Wilbur v. U.S. ex rel Krushnic, 280 US 306 (1930)*].

The owner of an unpatented claim is entitled to mine, remove and sell all valuable mineral deposits within his claim boundaries provided he follows the regulations for Surface Management under 43 CFR 3809, and is entitled to such surface rights necessary for mining operations.

Can I file a mining claim to get my own land in the mountains?

Answer: No.

A mining claim on Public Lands is a "possessory mineral interest." This means that a mining claimant has a limited right to the location for mining or milling purposes only. No deed accompanies this right.

If the surface use is not otherwise encumbered, anyone may enter upon a claim on Public Lands for any purposes other than mining locatable minerals.

If I file a mining claim can I eventually obtain title (patent) to the land?

Answer: No.

As of October 1, 1994, Congress imposed a moratorium on spending appropriated funds for the acceptance or processing of mineral patent applications that had not yet received First Half Final Certificate (FHFC) or were not in Washington, D.C. for Secretarial review of FHFC on or before September 30, 1994. Until the moratorium is lifted, the BLM will not accept any new applications.

Who can locate a mining claim?

Answer: United States Citizens and those who have filed an application for citizenship as well as business entities organized under the laws of any state (43 CFR 3830.3) can locate a mining claim.

The steps to locate a mining claim or site are summarized on the [BLM Colorado Mining and Minerals](#) webpage.

Is the General Mining Law of 1872, as amended still in effect?

Answer: Yes.

The General Mining Law of 1872 as amended regulates mining on Public Land. Budget Acts by Congress, portions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the Surface Resources Act of 1955 affect this law.

Further, the Federal regulations for unpatented Mining claims or sites on Public Land may be found in the Code of Federal Regulations (CFR) under Title 43 "Public Lands," Section 3802, 3809, and 3830.

I want to locate a mining claim or site on US Forest Service (USFS) land; do I follow the same procedure to locate?

Answer: Yes.

The regulations and procedures to locate and maintain a mining claim or site on Federal land are the same for BLM and USFS land. However, the regulations and procedures to begin mining operations are different depending on the Surface Management Agency (BLM or USFS). Contact the appropriate Federal Surface Management Agency and the Colorado Division of Reclamation, Mining and Safety office prior to conducting surface-disturbing activities on your mining claim.



Is there information on the location of unpatented Mining claims or sites available on-line?

Answer: Yes.

Current information on unpatented mining claims may be found by searching the LR2000 database. A query for active or closed Mining claims or sites may be run by selecting a report under the title "Public Mining Claim Reports."

If you have questions regarding running a LR2000 report, contact the Andy Senti Public Lands Information Center at 303-239-3600, Monday through Friday from 9am to 4pm.

Can I determine the exact location of the claim using LR2000?

Answer: No.

The exact location of the claim can be found by locating the claim markers on the ground. Requesting a copy of the certificate of location and map from the official case files kept in the Dockets Library, may be helpful as a guide to locating the claim markers.

All documents within an official mining claim case file may be copied for the public. A fee of \$0.15 per page is assessed for copy work (additional fees for oversize documents). The documents may also be scanned for \$0.15 per page, and emailed to you. Contact the BLM Colorado Dockets Library at 303-239-3615 for more information.

How can I get information on mining claims that date back to the early 1800's or 1900's?

Answer: Research the General Land Office Records website or Federal Land Records on microfiche in the Andy Senti Public Lands Information Center.

Historic mining claim information may be found online at the General Land Office Records website (www.glorerecords.blm.gov) or by contacting the Andy Senti Public Lands Information Center at 303-239-3600.

In order to do an effective search you will need to have some basic information on the mining claim, such as legal description, Mineral Survey number, or the original patent serial number. Records of official surveys as well as original patents are available.

Will I need a bond for my mining operation?

Answer: Yes, if the level of activity of your operation is anything other than casual use. In addition, the bond will be determined by the location and activity level of your operation.

Contact the appropriate Federal Surface Management Agency and the Colorado Division of Reclamation, Mining and Safety office prior to conducting surface disturbing activities.

Who do I contact if I have questions about my mining operation?

Answer: Contact the BLM field office or USFS ranger district office that has jurisdiction over the location where you propose surface-disturbing activities. In addition, you must contact the State of Colorado Division of Reclamation, Mining and Safety.

What is involved in reclamation of a mining claim?

Answer: *Reclamation* generally, is the rehabilitation of mined land in order to mitigate the adverse environmental effects of mining. Some components of reclamation include: the isolation, control, or removal of acid-forming, toxic, or deleterious substances; the regrading and reshaping to conform with adjacent landforms, facilitating revegetation, controlling drainage, and minimizing erosion; the rehabilitation of fisheries or wildlife habitat; the placement of growth medium and establishment of self-sustaining revegetation; the removal or stabilization of buildings, structures, or other support facilities associated with an exploration or mining project; the plugging of drill holes and the closure of underground workings and ancillary facilities; and providing for post-mining monitoring, maintenance, or treatment of disturbed or impacted areas.

If I file a mining claim or site over a historic mining site, do I have any rights to the abandoned equipment?

Answer: No.

If a Federal unpatented mining claim is located over the remains of a previous mining operation (abandoned mining claim) and the new mining claimant removes damages or uses property left on the abandoned claim, he/she may be subject to civil and criminal liability. Unauthorized removal and/or sale of property abandoned by a prior locator on an unpatented mining claim can constitute a criminal act under 18 USC 641.

If the boundaries of private land or a withdrawn area such as a wilderness area are not marked on the ground, am I still responsible for trespassing?

Answer: Yes.

In the State of Colorado, there is no law that land owners must mark the boundary of their land. It is the claimant's responsibility to determine their location in relation to the private property or withdrawn land to avoid trespassing. You are responsible for knowing your location.

The extraction of minerals on BLM land is generally identified by three levels of surface-disturbing activity as well as by any intended commercial use (sales). Please refer to section 31 titled "Classification of Operations – BLM Colorado" and to 43 CFR 3809 for additional information.

As the BLM and the USFS are both Federal agencies, are their regulations for mining operations the same?

Answer: No.

The regulations for mineral activity on Federal land are issued by each Federal Surface Management Agency. This means the Federal regulations will be different according to the Federal agency who manages the surface estate.

Are there additional State of Colorado regulations for prospecting and mining operations on Federal land?

Answer: Yes.

We recommend you discuss your exploration and mining plans with the [State of Colorado Division of Reclamation, Mining and Safety](#) prior to any activity.

In addition to state regulations, there may be other agencies with whom you should contact prior to mining, depending on the location and activity you are proposing.



What is Sustainable Development?

Answer: The idea that we develop today to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

State of Colorado - County Filing Regulations

Mining claimants are responsible for following both State of Colorado and Federal regulations for mining claims or sites.

The Colorado Revised Statutes are available on-line at the [Colorado General Assembly](#) website. The regulations for locating mining claims or sites begins at Article 43. Claims – How Located. These regulations are also summarized in the Circular No. 3, however it may also contain out of date information.

New Mining Claims & Sites:

The Certificate of Location (COL) and map must be recorded in the county clerk and recorder's office (where the claim is located) and the BLM Colorado State Office. The county recording fees will vary by county.

In Colorado, the deadline for recording a COL in the county clerk and recorder's office from the date the claim is located is 30 days if it's a placer claim (C.R.S. 3443-112), and 90 days if it's a lode claim. The deadline to file a COL and map with the BLM Colorado State Office, from the date the claim is located is 90 days for all claims and sites.

Annual Filings:

When you pay the maintenance fee in lieu of performing assessment work on the mining claim(s)/site(s), a statement indicating this and the date of payment, or a copy of the maintenance fee payment form/receipt should be filed at the county.

The Affidavit of Assessment Work or Notice of Intent to Hold must be filed at the county recorder's office (C.R.S. 34-43-114).

Transfers of Interest:

State law governs the transferring of mining claims or sites. A transfer is effective in the manner and on the date provided by state law. In Colorado, instruments affecting title to real property must be properly executed and filed in the county (C.R.S. 38-35-101).

Amendments:

An amended COL must be recorded with the BLM within 90 days after you record the amended COL in the local recording office.

If an amendment is being filed in response to a Notice or Decision issued by the BLM, then you are required to properly file the amended COL within 30 days from the date you receive the Notice or Decision by certified mail. This means the amended COL must be recorded in the local recording office and then with the BLM Colorado State Office within the 30 days granted.

Mineral Areas in Colorado

Agate – Near Canon City, Fremont County; Manitou Springs, El Paso County; along Roaring Fork near Aspen; and near Pitkin County. Agatized gastropods and pelecypods may be found in the Laney Member of the Green River Formation in Sand Wash Basin

Alabaster – Owl Canyon, Larimer County

Amazonite – Near Manitou Springs, El Paso County

Amethyst – Along Twelve Mile Creek, Fremont County; Creede & Mineral Counties

Aragonite – Pseudo-morphs, Owl Canyon

Aquamarine – In pegmatite on Mount Antero, Chaffee County

Barite Roses – Tertiary White River Group, in siltstones

Beryl – Near Ohio City, Gunnison County; Crystal Mountain, Larimer County; in pegmatite on Mount Antero; also mined in Chaffee County; near Wilkerson Pass, Park County.

Calcite – See Sand Crystals

Chalcedony – Near Glenwood Springs, Garfield County; near Wagon Wheel Gap, Mineral County

Chert – Browns Park Formation, massive chert beds west of Little Snake River. Red chert concretions in the limestone of the Ft. Morgan Formation

Copper Minerals – Most fissure veins in small amounts in Rocky Mountains, notably San Juan area near Telluride; Battle Mountain, Eagle County; mined in west Montrose County

Corundum – Near ghost town of Turret, Chaffee County

Garnet – Ruby Mountain and near ghost town of Turret, Chaffee County, and near Canon City, Fremont County

Gemstones – Clear Creek, Conejos, in Jefferson Lake, La Plata, Mineral, Saguache, and San Juan Counties

Gold – Occurs in most fissure veins located in the Colorado Rocky Mountains.

Lapis-lazuli – Italian Mountain, Gunnison County

Microcline – Crystal Park, Teller County

Opal – Coating calcite crystals.

Phenacite – In pegmatites on Mount Antero, Chaffee County; Crystal Park, Teller County

Rose Quartz – Along Turkey Creek, Fremont County

Sand Crystals – White River Group in siltstone beds

Selenite Crystals – Fort Union coals, Shell Creek. Eagle Valley Evaporite, Gypsum

Silver – Occurs in Colorado from almost pure metallic or “native silver” to silver salts or chloride of silver. Most metallic deposits, in fissure veins or bedded areas, also contain lead, copper, gold or zinc ores

Smoky Quartz – Crystal Park, Teller County

Stromatolite Crystals – See Selenite

Topaz – Ruby Mountain, Chaffee County, and near Ohio City, Gunnison County; Cheyenne Canyon, El Paso County; Crystal Park, Teller County

Tourmaline – Near Ohio Creek, Gunnison County; Royal Gorge, Fremont County; Crystal Mountain, Larimer County

Turquoise – East of Manassa, King Mine, Conejos County; near Villa Grove, Saguache County; 30 miles west of Leadville in the Holy Cross Mining District; 7 miles northeast of Leadville in the St. Kevin District; just below ridge crest between Turquoise Lake and northerly drainage basin; Joise May Mine

Zinc Minerals – Most fissure veins in the Rocky Mountains, notably Battle Mountain, Eagle County

Access to Public Lands in Colorado

More than one-third of Colorado's land area is owned by the public and available for public use. These Public Lands are managed by several federal and state agencies and local governments. Knowing about access and trespass can avoid problems among users and owners of lands, both public and private, in Colorado. This information is intended to promote public awareness concerning access to Public Lands with minimum interference to adjacent private landowners.

FEDERAL PUBLIC LANDS

The primary federal land management agencies in Colorado are the Bureau of Land Management (BLM), the [U.S. Forest Service \(USFS\)](#) and the [National Park Service \(NPS\)](#). National Parks and Monuments usually charge a fee for entry. America the Beautiful Passes, the National Parks and Federal Recreation Lands Pass series is your ticket to more than 2,000 Federal recreation sites. Each pass covers entrance fees at national parks and national wildlife refuges as well as standard amenity fees (day use fees) at national forests and grasslands, and at lands managed by the BLM, the Bureau of Reclamation, and US Army Corps of Engineers. More information on the America the Beautiful Passes is available online at



<http://www.nps.gov/planyourvisit/passes> or by calling 1-888-ASK USGS (1-888-275-8747). While camping and many forms of recreation are encouraged, hunting and some other outdoor activities are restricted. Contact local NPS offices for specific information.

The BLM manages 8.4 million surface acres and the USFS manages 14.3 million acres in Colorado. These lands are available for a variety of recreational uses; such as hunting, fishing, wildlife viewing, hiking and camping; along with other authorized uses such as livestock grazing, timber harvest and mineral development.

How do I gain access to federal Public Lands?

Legal access to federal land is provided by a system of public and agency roads and trails. Public roads are intended to meet the transportation needs of the public user. Generally, a public road is any federal or state highway or county road administered by the state or county. BLM and USFS roads and trails are maintained for the administration and use of federal lands. Although generally open to the public, agency officials may restrict or control the use of these roads. Restrictions may be imposed for protection of sensitive or critical resources or to meet specific

management needs. Land management agencies do not always have legal rights-of-way on all access roads or trails entering federal lands.

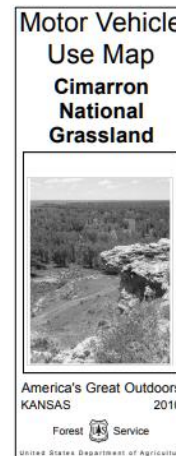
Authorized private use of federal land, such as livestock grazing, does not allow the lessee to post or sign the land as being private. The lessee of federal lands cannot deny legal access or charge an access fee for others to use such lands.

Motor Vehicle Use Maps (MVUM)

The Motor Vehicle Use Map (MVUM) is a requirement of the 2005 Final Travel Management Rule. The MVUM displays National Forest System (NFS) routes (roads and trails) and areas designated as open to motorized travel. The MVUM also displays allowed uses by vehicle class (ex. highway-legal vehicles, vehicles less than 50 inches wide and motorcycles), seasonal allowances, and provides information on other travel rules and regulations.

Routes not shown on the MVUM are not open to public motor vehicle travel. Routes designated for motorized use may not always be signed on the ground but will be identified on the MVUM.

It will be the public's responsibility to reference the MVUM to stay on designated routes for motor vehicle use.



STATE TRUST LANDS

The Public Access Program is a lease arrangement between the [Colorado Parks and Wildlife](#) and the [State Land Board](#) which began in 1993. The Public Access Program allows public access to specific State Trust Lands and has opened up to the public over half a million acres of lands which had no public access previously. Most recently, the State Land Board and the Colorado Parks and Wildlife entered a 7 year lease in 2006 to allow public use of approximately 550,000 acres of State Trust Lands with wildlife values for wildlife-related recreation.

Through this lease agreement, these lands are available to the public for a specified time during the year for hunting, fishing and other wildlife-related activities. The State Trust Lands leased for this program are not open year-round because they are also leased to other users during the year. The lands may have several lease activities occurring on them during the year which includes farming, livestock grazing, mining and logging.

The public is reminded to respect the rights of other users and lessees on State Trust Lands and to abide by state rules so the lands can remain open for future wildlife recreation. State Trust Lands not leased for this program are not open for public access.

Most of these leased State Trust Lands are not accessible by motor vehicle, all-terrain vehicles (ATVs) or snowmobiles, and there are restrictions on camping, parking and off-road driving. Hunters should consult the State Trust Lands brochure for rules and property-specific information. Parcels are open only from September 1 through the end of February, unless otherwise stated in the brochure.

The source for the above information on state trust lands can be found by visiting the Colorado Parks & Wildlife website at www.wildlife.state.co.us; continue by selecting the heading titled land and water, then State Trust Lands.

PRIVATE LANDS

Two-thirds of the land area of the State of Colorado is privately owned. It is unlawful to enter private lands in Colorado without permission of the landowner. Colorado law does not require private lands to be marked, fenced or posted in any manner. Depending on the circumstances, trespass in Colorado may be prosecuted as a misdemeanor or as a felony.

Additionally, the Colorado Revised Statutes state that "it is unlawful for any person to enter upon privately owned land or lands under the control of the State Board of Land Commissioners to take any wildlife by hunting, trapping, or fishing without first obtaining permission from the owner or person in possession of such land." It is your responsibility to know whether you are on private or Public Land.

On non-navigable rivers and streams, the adjacent landowners' jurisdiction extends to the middle of the stream or river. Colorado law does allow floating access on a stream or river as long as no contact is made with the river bottom or shoreline while passing through (over) private lands.

How do I gain access to private lands?

"ASK FIRST" to get access to private lands and please respect the property of others. Responsible visitors or users always respect the land, whether it is private or public, and take care to leave it the way they found it. The landowner has the right to deny access on or across private lands -and- may charge an access or user fee for the use of those private lands.

SIGNS: Colorado law states that "no person may post, sign or indicate in any way that Public Lands within Colorado, not held under exclusive control or lease, are privately owned lands." It is unlawful to close a legal public access route or sign federal Public Lands with the intention of restricting public use. The BLM, USFS or Colorado Parks & Wildlife should be advised about access problems and the illegal posting of signs on Federal lands. Until these situations are brought to the attention of agency officials, the problem cannot be corrected.

How do I recognize public access routes?

Major access routes or points of access to federal Public Lands are usually identified by signs with an agency logo. Most USFS roads and many BLM roads are marked with signs bearing road numbers and white arrows depicting routes open to motorized travel or with signs giving mileage to a geographical location or recreation area. Access routes without signs will require that you have a detailed map showing landownership and roads/trails to identify legal access points.

What recourses are available if access problems arise?

Federal Agencies: Report the incident immediately to the nearest USFS Ranger District office, or BLM field office, with specifics of the incident; particularly the exact location where the incident occurred.

State Agencies: The Colorado Parks & Wildlife will investigate state land access related problems and complaints which involve actions that are either illegal or contrary to State Land Board regulations and lease terms. If the problem/complaint can be documented and verified, the parties involved will be contacted and requested to immediately correct the situation. Non-compliance with lease terms and related Board regulations is grounds for lease cancellation. Non-compliance with the Board's public rules (such as off-highway vehicle use), vandalism, or property damage on state lands are grounds for arrest by any duly authorized peace officer and prosecution under pertinent Colorado statutes.

[Operation Game Thief](#): is a Colorado Division of Wildlife program, which pays rewards to citizens who turn in poachers. You can call toll-free within Colorado at 1-877-265-6648. This number is a crime stoppers line strictly for contacting law enforcement personal regarding wildlife violations.

Where is Public Land Open to Mining?

We recommend you research the area and contact the local office BEFORE you prospect/stake/file a mining claim. The research process usually involves the following steps:

1. Find an area of interest.

The full BLM Surface Management Maps are available in digital format free of charge on-line at <http://www.blm.gov/maps>, search by State: Colorado and a keyword. If you do not know the specific year of the map, do not change the year. The results will appear without selecting a year.

The US Forest Service has several maps, including topographic maps available digitally as well as for purchase at: <http://www.fs.fed.us/visit/maps>. The Motor Vehicle Use Maps identify those roads, trails, and areas designated for motor vehicle use in the forest.

The Andy Senti Public Lands Information Center at 303-239-3600 has USGS Topographic Maps, USFS Maps, and BLM Maps available for purchase.

2. Describe the area using the Public Land Survey System (PLSS).

The [BLM Navigator](#) is available with up to date geospatial data with a mapping feature.

[GLO Records](#), [Land Catalog](#) is a mapping tool to search PLSS, case recordation and land status.

Lode mining claims must be described by metes and bounds. The mapping tools above have limited plotting capabilities as well.

3. Determine if there are active mining claims in the area.

[LR2000](#) MC Geo Report will list claims within each quarter section of a township

[LR2000](#) Serial Register Page is an automated record of the history of the claim.

[BLM Navigator](#) has an active mining claims layer for Colorado.

*The only way to determine the actual location of a mining claim or site is to request copies of the COL and map from the official case file by calling the Dockets Library at COSO at 303-239-3615.

4. Determine if the area is open to mineral entry by researching the land records:

Master Title Plat (MTP) which is a composite diagram of a township depicting:

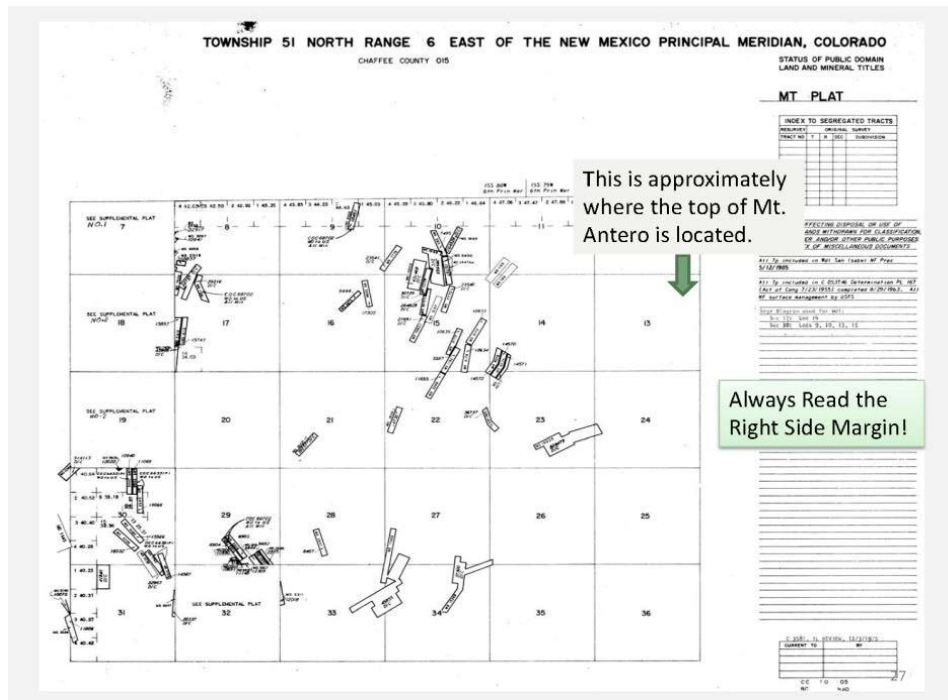
- Basic survey information (Mineral Survey's)
- Title transfer information (Patents, Sales, Exchanges, Re-conveyance, Acquisitions, etc.)
- Use authorizations (Withdrawals, Segregations, Leases, Permits, Rights of Way, etc.)
- A claim within a power site withdrawal, is filed pursuant to Public Law 359.

Historical Indices (HI's) a chronological history of all land actions in the township.

The notations on the MTP are documented on the HI in chronological order. The first land action in the township begins on page 1, and subsequent land actions are documented through to the present day.

The Master Title Plat

The MTP does not show topography, or land marks, so it's important to use other research material to be ensured you are in the correct area. Notation will generally appear at the bottom in the center of the outline of the lands involved.



When researching the MTP, always read the right side margin.

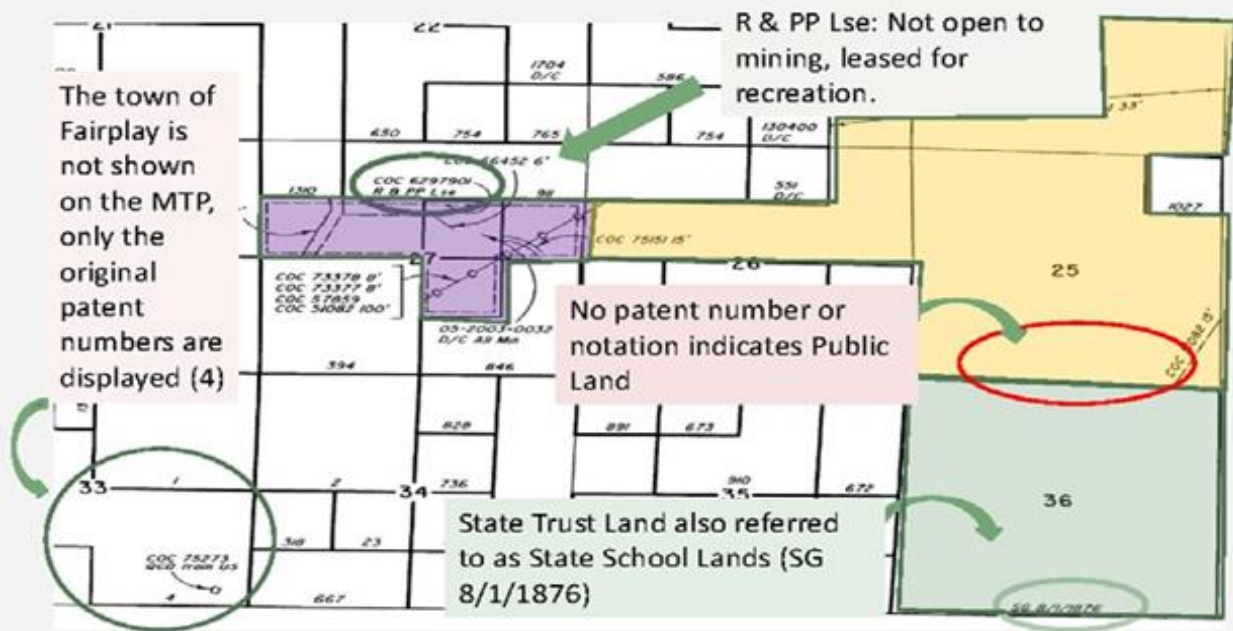
When the entire township is managed by one agency, this will be stated in the right side margin, and no withdrawal line will appear on the MTP.

Cities and towns are not noted on MTP's and this can be confusing. The snapshot of part of an MTP shown below, labeled #1 has a colored overlay to highlight this situation. The snapshot labeled #2 explains some of the common abbreviations found on MTPs.

- D/C = a reservation of ditches or canals to US this reservation is an easement for ditches or canals which may be constructed by the US.
- PL 167 = Public Law 167 pertains to administrative jurisdiction by the US over the surface resources on unpatented mining claims and the lands are open to multiple uses. Withdrawal line (— • —) used for US Forest, National Wildlife Refuges, etc.
- Withdrawal line (-----) used for leases, permits etc.
- R & PP Lse - a Recreation and Public Purpose Lease.
- All Min - All minerals are reserved to the US, meaning they remain US property.
- SG - State school grant lands
- QCD from US - is a quit claim deed from the US to convey ownership

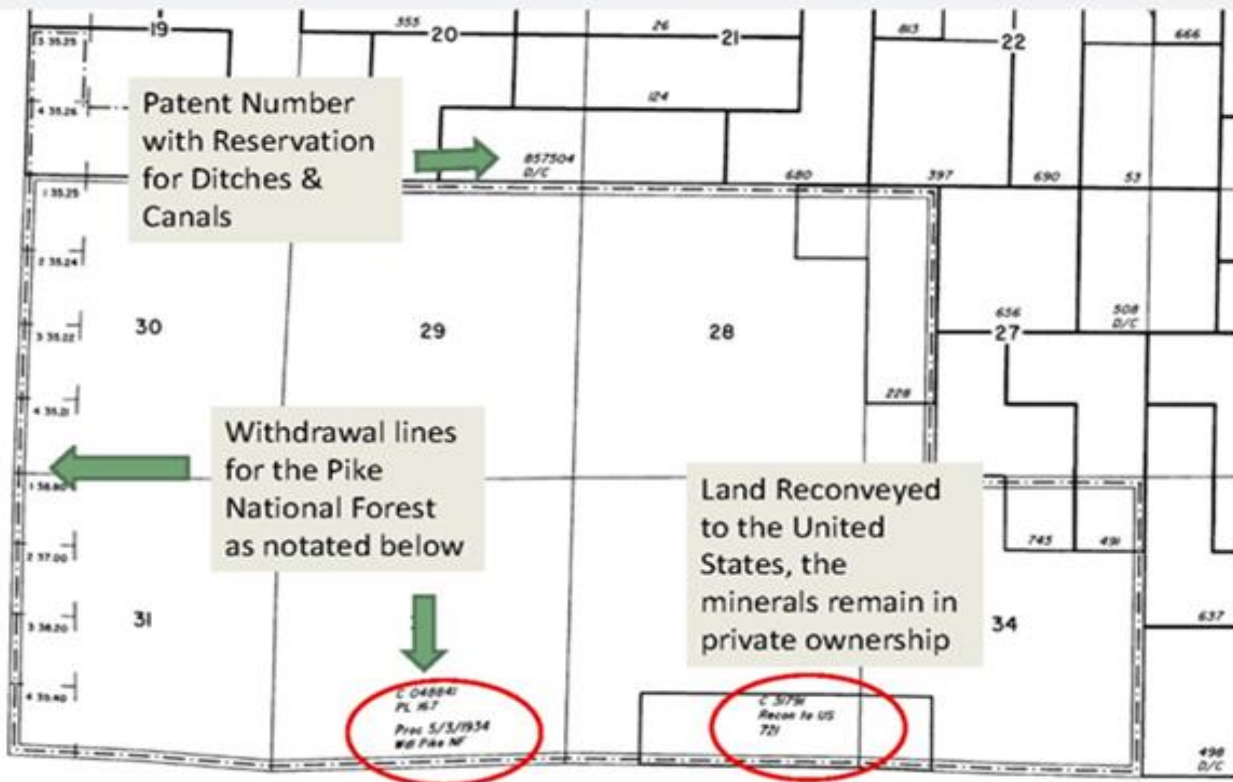
Master Title Plat with Color Overlay

#1

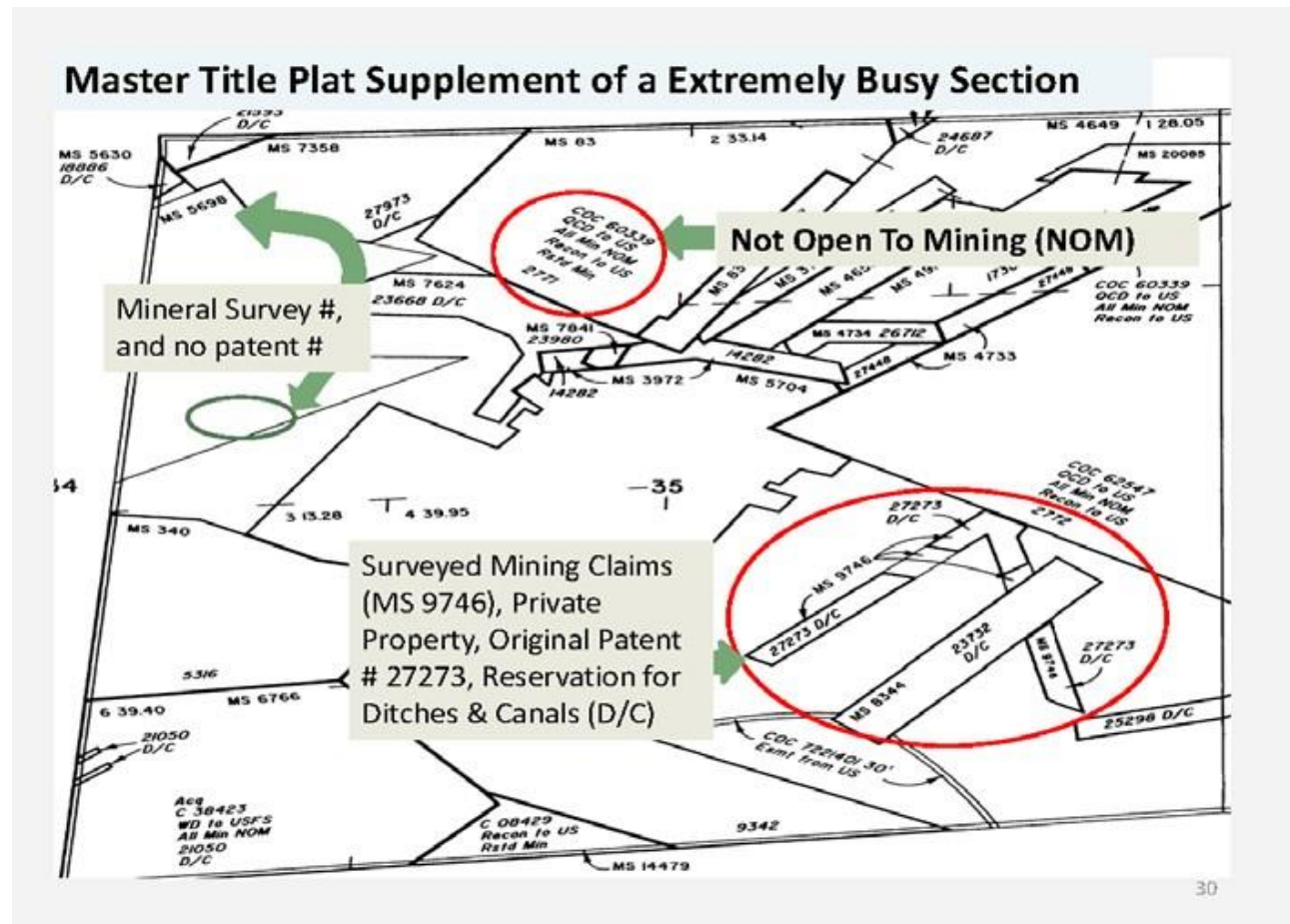


Master Title Plat Showing a National Forest Boundary

#2



Supplemental Master Title Plat



Mineral Survey numbers (MS 5987) outlined on a MTP without a patent # never left US ownership, but at one time an official Mineral Survey was conducted on the area.

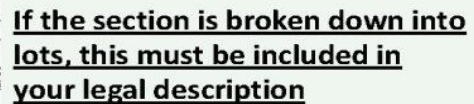
Abbreviation Definitions:

- NOM - the area is not open to mining claims or not open to mineral entry.
- Recon to US – lands reconveyed to the US
- Rstd Min - restricted minerals, the US does not own the entire mineral estate
- Acq - means the land or minerals were acquired for a monetary amount by the US.

RESERVOIRS

- The notation of Res - is a reservoir withdrawal, some are open to metalliferous mining and others are withdrawn (closed) to mining. These withdrawals are different than the power site areas, however sometimes you will find both in the same area.

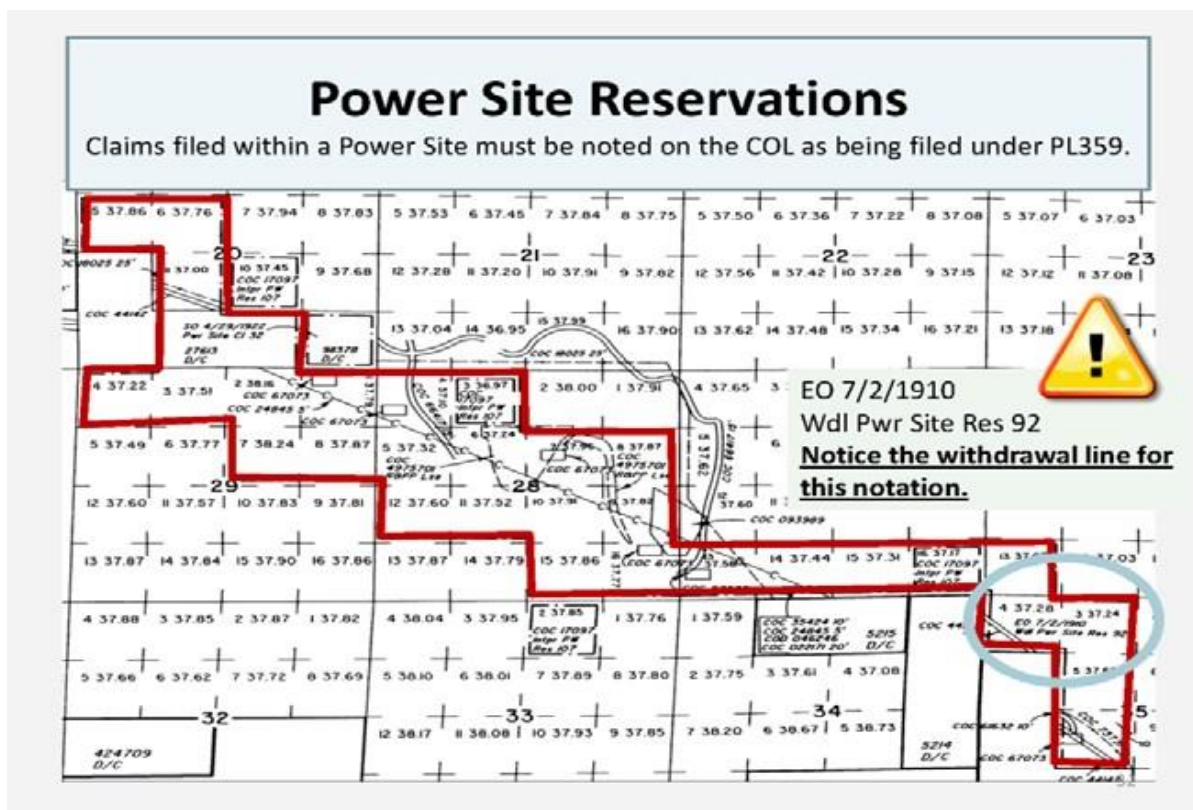
Master Title Plat Showing Many Irregular Sections



27 of 91

POWER SITE RESERVATIONS

Mining claims filed within a power site reservation withdrawal have additional filing requirements. The notation is: Wdl Pwr Site Res – meaning this is a power site reservation withdrawal area, and claims filed here are filed pursuant to the regulations at 43 CFR 3730.



Mining claims located here are referred to as being “filed under PL 359” and this must be noted on the COL. Placer mining claims are usually restricted from any mining for the first 60 days while the BLM notifies the local office, as well as the Federal Energy Regulatory Commission (FERC) of new the location. The FERC has 60 days to state the mining claim will substantially interfere with any new power projects planned in the area, and request a hearing.

BLM Map Order Form

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management COLORADO STATE OFFICE
2850 Youngfield St.
Lakewood CO 80215

The Bureau of Land Management (BLM) has Surface Management and Surface/Mineral Management map series available for the State of Colorado. These maps are at a scale of 1:100,000 and cover approximately 35 miles North/South and approximately 55 miles East/West. The maps are color coded to show land status (Federal, State, private or other agency). Maps do not show private land owner names. Other features on the maps are transportation (roads, trails), topography (elevation, contours), rivers & lakes, towns and other manmade features. The Minerals version is shaded to indicate the status of federal mineral ownership. The maps are folded and are available at any Colorado BLM office for \$4.00 each plus shipping and handling. Maps showing the entire state of Colorado (at 1:500,000 and 1:1,000,000 scale) are also available at the same price.

A volume discount applies when purchasing 50 or more maps from a BLM office or BLM internet sites. Discount Price: Mixed titles: 1-49, \$4.00 each, 50 plus \$2.40 each.

If you wish to purchase maps, please complete this order form. Calculate the postage and handling rate according to the scale below. Include proper payment with your order. Map orders will be filed immediately upon receipt of payment. If you wish to change your order to a credit card, please call (303) 239-3600 to place your order.

Name			Daytime Phone ()		
Address					
City			State		Zip
Name of Map	Surface	Surface/Mineral	Quantity	Price	Total
				x \$4.00 EA	
				x \$4.00	
				x \$4.00	
				x \$4.00	
				x \$4.00	
				x \$4.00	
Postage Rates For Maps	1 \$1.05	2 \$1.55	3 \$2.20		
	4 \$2.70	5 \$3.10	6-10 \$3.85		
	11-21 \$7.15	22-28 \$8.05	29-36 \$9.85		
	37-43 \$10.05	44-50 \$11.00	51-58 \$11.95		
	For Orders of 59 or More – Please Call for Rate				

Make check or money order payable to Department of Interior, BLM and return this form with your remittance to the address listed at the top of this form.

NEW BLM Maps throughout the country can now be viewed and printed online. Visit our website at <https://www.blm.gov/maps>.

Mining Claim Reports in LR2000

BLM reports are available on our new website at: <https://reports.blm.gov>. Click on Land & Mineral System to run reports in the new format of LR2000. The mining claim reports are found by scrolling to the bottom of the page.

Public Mining Claims Reports	
Pub MC Action Code	
Pub MC Claim Name/Number Index	
Pub MC Customer Info	
Pub MC Geo Index	
Pub MC Geo Report	
Pub MC Serial Number Index	
Pub MC Serial Register Page	

The reports are designed with instructions at the top of each page. A step by step instructional guide is also available at the top right corner of the page for each report. The reference codes are also available, the icons are copied below for your reference.

The Andy Senti Public Lands Information Center has
Contact Representatives available to answer questions.

 [User Guide](#)
 [Reference Codes](#)

Andy Senti Public Lands Information Center

Hours: 8:30 a.m. - 4:00 p.m. MST M-F

Phone: 303-239-3600

Fax: 303-239-3933

TTY/Federal Relay System: 1-800-877-8339

E-mail: blm_co_info@blm.gov

General Land Office Records



LAND STATUS RECORDS (LSR)

The General Land Office website at <https://gloreCORDS.blm.gov> contains many of the land action documents for Colorado. We recommend starting with the Master Title Plat for your area of interest. To interpret a notation on the Master Plat, consult the Historical Index (HI) for the township and range. Land actions are in date order beginning with the first land action in the township on page 1 running through as many pages as needed to document all land actions up to now. The number of HI's will vary by township.

Land Status Records

Land Status Records are used by BLM Western State Offices to document the ongoing state of a township's Federal and private land regarding title, lease, rights, and usage. These documents include Master Title Plats, which are a composite of all Federal surveys for a township. Other Land Status Records include Use Plats, Historical Indices, and Supplemental Plats.

A screenshot of a Land Status Record document, showing a table with columns for Township, Range, Section, and various land status details. The table is titled "TOWNSHIP IN NORTH RANGE 33 EAST OF THE SAN JUAN MOUNTAIN GENERAL SURVEY".

LAND CATALOG

A new feature of GLO Records is Land Catalog which allows public to search for all documents in a township using the map viewer to zoom into the area. This application displays the PLSS data layer and a drop-down search menu for easy navigation from a State, Meridian, and Township perspective.

Land Catalog

The **Land Catalog** application allows the public to search for Patents, Surveys, Land Status Records, CDI Documents, and LR2000 Case Recordation & Land Status reports associated with a specific township. This application displays the PLSS data layer for and a drop-down search menu for easy navigation from a State, Meridian, and Township perspective.

A screenshot of the Land Catalog application interface, showing a map of the United States with a search menu and a list of results. The map is titled "Land Catalog" and includes a search bar and a list of results.

Township Diagram

Form 9600-18
(February 1979)
(formerly 9180-19)

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TOWNSHIP DIAGRAM *

Township	Range	Meridian	State
36	31	32	33
34	35	36	31
6	5	4	3
2	1	6	
12	7	8	9
10	11	12	7
13	18	17	16
15	14	13	18
24	19	20	21
22	23	24	19
25	30	29	28
27	26	25	30
36	31	32	33
34	35	36	31
6	5	4	3
2	1	6	

* SCALE: 1 INCH = 1 MILE

Land Description Diagram

LAND DESCRIPTION DIAGRAM

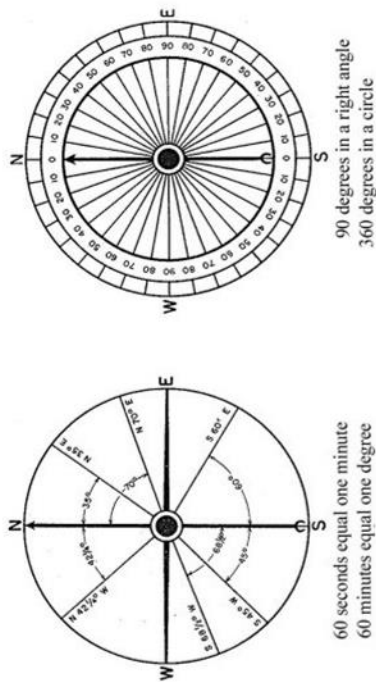


Table of Land Measurements

LINEAR MEASURE	SQUARE MEASURE
1 inch = .0833 ft.	144 sq. in. = 1 sq. foot
7.92 inches = 1 link	9 sq. feet = 1 sq. yard
12 inches = 1 foot	30 1/2 sq. yds. = 1 sq. rod
1 vara = 33 inches	16 sq. rods = 1 sq. chain
2 3/4 feet = 1 vara	1 sq. rod = 272 1/2 sq. ft.
3 feet = 1 yard	1 sq. ch. = 4356 sq. ft.
25 links = 16 1/2 feet	10 sq. chs. = 1 acre
25 links = 1 rod	160 sq. rods = 1 acre
100 links = 1 chain	4840 sq. yds. = 1 acre
16 1/2 feet = 1 rod	43560 sq. ft. = 1 acre
5 1/2 yards = 1 rod	640 acres = 1 sq. mile
4 rods = 100 links	1 sq. mile = 1 section
66 feet = 1 chain	36 sq. miles = 1 Twp.
80 chains = 1 mile	6 miles sq. = 1 Twp.
320 rods = 1 mile	1 sq. mi. = 2.59 sq. kilom.
8000 links = 1 mile	
5280 feet = 1 mile	
1760 yards = 1 mile	

An Acre is:

43,560 sq. feet.
165 feet x 264 feet.
198 feet x 220 feet.

or any rectangular tract, the product of the length and width of which totals 43,560 sq. ft.

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EXAMPLE - Certificate of Location– Lode Mining Claim

**NOT AN
OFFICIAL
FORM**

CERTIFICATE OF LOCATION (LODE CLAIM)

THIS IS AN EXAMPLE FORM.

**DO NOT USE THIS TO FILE
WITH THE BLM.**

STATE OF COLORADO, County of Gunnison.

KNOW ALL BY THESE PRESENTS, that **Claimants Name** the undersigned citizens of the United States, whose legal address to be used for all correspondence regarding said claim is:

(Claimant's Legal Address) has located and claimed this 20 day of July, 2020.

And by these presents do locate and claim by right of discovery and location, in compliance with the Mining Acts of Congress, approved May 10. 1872, and all subsequent acts, and with local customs, laws, and regulations, 1500 linear feet and horizontal measurement on the Whatever LODE, vein, ledge or deposit, along the vein thereof, with all its dips, angles and variations, as allowed by law, together with 300 feet on the North side, and 300 feet on the South side of the middle of said vein, at the surface, so far as can be determined from present developments; and all veins, lodes, ledges or deposits and surface ground within the lines of said claim, 10 feet running East from the point of discovery monument and 1490 feet running West from the point of discovery monument; said discovery monument being situated upon said lode, vein, ledge, or deposit, and within the lines of said claim, in the _____ Mining District, County of Gunnison, and State of Colorado, described by metes and bounds as follows, to-wit:

Beginning at corner #1, **thence 600 feet south at 180° to corner #2, thence 1500 feet east at 90° to corner #3, thence 600 feet north at 0°, to corner #4, thence 1500 feet west at 270° back to corner #1, place of beginning.**

Tie Point: Beginning at T3S R72W survey monument for corner of sections 4,5,8,9, thence 3587 feet at 225° to claim corner #1.

This claim would be situated in the SW & NW Quarter, of Section 8, Township 3S, Range 72W, of the 6th Meridian.

Said lode was located on the 20 day of July, 20.

Claimants Name and/or Signature

BLM SERIAL NO.: CMC# 123456

EXAMPLE- Certificate of Location – Placer Mining Claim

**NOT AN
OFFICIAL
FORM**

CERTIFICATE OF LOCATION (PLACER CLAIM)

THIS IS AN EXAMPLE FORM.

**DO NOT USE THIS TO FILE
WITH THE BLM.**

KNOWN ALL BY THESE PRESENTS:

***Filed under PL359**

That: Joe Smith Bob Right

Darryl Dunston

**** We need the legal address for each claimant listed above, attach a separate paper to the COL if necessary. ****

the undersigned citizens of the United States, residents of the County of Gunnison, State of Colorado, having complied with the provisions of Chapter 6, Title XXXII, of the Revised Statutes of the United States, and with the local customs, laws and regulations, claim by right of discovery and location, the Whatever Placer Claim, situate, lying and being in _____ Mining District, County of Gunnison Colorado, and described by metes and bounds as follows to wit:

NE ¼ SW ¼, S15, T 3S, R 75W, 6th PM; area 40 acres.

Said placer claim was located on the 20 day of July , 20.

ATTEST:

Claimant(s) Name(s) and/or Signature(s)

Claimant(s) Name(s) and/or Signature(s)

Claimant(s) Name(s) and/or Signature(s)

BLM SERIAL NO.: CMC# 123456 .

Amendments & Address Changes

Recording an Amendment

An amendment to a location for an active mining claim or site can be made at any time. The amendment must be filed with the appropriate county recording office *before* it is filed with the BLM Colorado State Office.

An amendment may be made by creating a new COL and/or map and clearly writing amended at the top. An amendment may also be created by making the necessary changes on a copy of the original COL and/or map and clearly marking it as an amendment at the top. An amended location always relates back to the original location date of the mining claim or site. The BLM requires a \$10 nonrefundable processing fee to file an amended COL.

Amendments are used to:

- Correct or clarify omissions or defects in the original location certification;
- Change legal descriptions due to an error made on the original certificate (the location on the ground cannot be changed); and
- Change the claim name.

Amended COLs must be recorded at the proper county recorder's office prior to recordation with the BLM (43 CFR 3833.22). You must record amended COLs with the BLM within 90 days after you record the amendment in the county recording office. BLM will not recognize any amendment to your mining claim until you file it properly.

Address Changes

To change the address of a claimant, submit a note/letter identifying the claim or site name(s), the BLM serial number(s), the owners' name, and the current address and the new address you are reporting. There is no charge to file this document.

A change of address may also be made when filing the annual paperwork. Please make a note on the paperwork of the address change.

Transfers and Relinquishments

Transferring a Mining Claim

An unpatented mining claim is considered real property of which a person's interest may be transferred, purchased or conveyed to another. State laws govern transferring mining claims or sites (43 CFR 3833.32).

When an owner of an unpatented mining claim sells, assigns, or otherwise conveys all or any part of his interest in the claim they must file a transfer document with the county recorder's office and with the BLM Colorado State Office. The date the transfer document is signed and notarized (executed) is the effective date for the transfer according to state law (C.R.S. 38-30-113 (2015)).

In Colorado, the transfer document shall identify (C.R.S. 38-30-113 (2015)):

- Grantor's name
- Grantee's name and address
- Mining claim name and BLM serial number (legal description is helpful as well)
- County name where the mining claim is located
- Consideration – the actual purchase price paid
- Grantor's Signature
- Signature of a notary public (C.R.S. 38-35-101 (2015))

County recording fees will vary, and the BLM has a \$10 nonrefundable per claim/ per grantee processing fee due at the time of filing with the BLM. This means if two grantee's (husband and wife) purchase one claim, the fee is \$20.

Transferring Association Placer Mining Claims

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 must provide a mineral report documenting the discovery of a valuable mineral deposit before the transfer; or you must reduce the acreage of the claim, 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.

Transferring Mining claims or sites held by a Maintenance Fee Waiver

If you take ownership of a mining claim that is subject to a waiver for the current assessment year, you must also qualify for the waiver.

If you do not qualify for the waiver, you must pay the annual maintenance fee by the September 1 following the date the transfer became effective under state law.

Abandonment (Relinquishment) of a Mining Claim

Upon abandonment of a claim or site (relinquishment) to the Federal Government, file a notice of relinquishment with the county recorder's office and the BLM CO State Office. No particular form is required; a letter is acceptable.

The name and address of the claimant, date of relinquishment (if different than the filing date), claim or site name, and the BLM serial number should be listed on the document. The relinquishment document may list multiple claims or owners as needed. All owners who are abandoning their interest must sign the document. There is no charge to file this document.

Lifecycle of a Mining Claim or Site

Prospecting and Research

Determine if the land is open to mineral entry under the Mining Law of 1872. We strongly suggest you research the lands prior to staking a mining claim.

****It is strongly advised that you choose a different location if there is an active mining claim on your area of interest.**

Stake the Claim

- Monument the mining claim or site on the ground pursuant to both Federal and State law.
- Mark the four corners & discovery point with wood or stone cairns.

Certificate of Location and Map

File with the local recording office.

File with the BLM Colorado State Office, paying the processing fees to file

- \$37 Location Fee (refundable)
- \$20 Processing Fee (non-refundable)
- \$155 Maintenance Fee (refundable) **

Total fees for a lode, 20 acre placer mining claim or a mining site is: \$212

****\$155 maintenance fee is due for each 20 acres in an association placer claim.**

Recordation Deadline:

BLM

90 days

State of Colorado

- 30 days for placer claims
- 90 days for lode claims & mill/tunnel sites.

- Only when a claimant files the COL and map with \$212.00 (or more if required) at the BLM Colorado State Office will a CMC number be assigned to the claim, a case file created, and the information entered in LR2000.
- The claimant must record the COL and map with the county clerk and recorder office, and provide the BLM state office with proof of recording. The county recordation number will be entered into LR2000.

Adjudication

When a mining claim or site is received, the claim goes through a preliminary adjudication, a review for:

- Obvious acreage errors, mainly with association placers
- Mailing address's listed for numerous claimants
- Missing legal description information on COL or map

- Location date either missing or it is over 90 days from the date of filing

A Notice of Recordation letter is sent to the claimant with copies of the filing, and a receipt.

Land Status

The land status is determined at a later date. This office sends a Notice if a discrepancy exists or the lands are not open to mining.

We do not adjudicate other unpatented mining claims in the area or conflicts between claimants.

Important Reminders for the Annual Maintenance Requirement

- ! Annual assessment for the claims/sites is required; either by paying the maintenance fee or qualifying/filing for a small miner waiver & performing \$100 worth of work on the claim.
 - ! The annual maintenance requirement is for the next assessment year, not the current year.
 - ! The BLM is not required to issue reminder notifications, this is a courtesy and may not happen every year.
 - ! The annual maintenance requirement is due on or before September 1 each year.
 - ! A copy of the form and/or receipt of maintenance fee payment may be recorded at the county.
-

Maintenance Fees

1. The maintenance fee payment is for the next assessment year, not the current year.
2. The maintenance fee payment is due on or before September 1 each year.
3. Lode mining claims, mill or tunnel sites are \$155.
4. Placer claims are \$155 per each 20 acres or portion thereof within the claim.
5. [BLM Forms 3830-005 or 3830-005a](#) are available and should be filed with a payment.

Recordation Deadline:

BLM

On or Before September 1

State of Colorado

December 30th

Only if you own 10 or fewer mining claims or sites nationwide, you may file a Small Miner Maintenance Fee Waiver Certification (Form 3830-2).

Small Miner Waiver

When claimants file a **Small Miner Maintenance Fee Waiver Certification (Form 3830-2)** they are referred to as “small miners”. This means they have 10 or fewer claims and sites nationwide and they are opting out of paying the annual maintenance fee by making the choice to file a waiver and perform assessment work on the mining claims.

Recordation Deadline:

BLM

On or Before September 1

State of Colorado

None

The [Small Miner Maintenance Fee Waiver Certification \(Form 3830-2\)](#) is due on or before September 1, as a maintenance fee payment would be due. There is no fee to file this form with the BLM.

The BLM form [Small Miner Maintenance Fee Waiver Certification \(Form 3830-2\)](#) is the only form that may be used to file as a small miner. When a current Small Miner Maintenance Fee Waiver Certification (Form 3830-2) is available, this is the only acceptable form.

The [Small Miner Maintenance Fee Waiver Certification \(Form 3830-2\)](#) is for the next assessment year, not the current year.

All claimants & related parties must only hold interest in 10 or fewer Mining claims or sites nationwide throughout the entire assessment year to qualify as a small miner.

If you or related parties obtain any additional interest in mining claims or sites, and it brings you over the 10 claim/site nationwide limit at any time during the assessment year, the small miner status will be revoked. When the small miner status is revoked, the maintenance fees for any and all mining claims or sites being held by a waiver, become automatically due. The maintenance fees must be paid by the end of the assessment year, or the claims and sites will be considered abandoned and forfeited, and closed.

The [Small Miner Maintenance Fee Waiver Certification \(Form 3830-2\)](#) must list each person with interest in the mining claims or sites. It must provide their name, current address, and ORIGINAL SIGNATURE. This means you may not file a copy of this form with the BLM COSO, we must have the originally signed form.

The small miner waiver option is not required for claimants owning 10 or fewer mining claims or sites nationwide.

There is no county recordation requirement for the waiver form. The affidavit of assessment work and/or the notice of intent to hold must be recorded in the county.

\$100 Assessment Work Requirement

A total sum of \$100 of assessment work must happen in the assessment year covered by the waiver for each mining claim listed on the waiver.

This is required every assessment year covered by a waiver.

To document this work, an [Affidavit of Assessment Work \(Form 3830-004\)](#) must be filed with the BLM and recorded in the county by December 30th of the same calendar year the work is performed.

This form must be filed at the BLM and the county by December 30. There is a \$10 per claim processing fee when filing with the BLM.

[Affidavit of Assessment Work \(Form 3830-004\)](#) is the preferred form and is available on our website, however this form is not required.

Recordation Deadline:

BLM

On or Before December 30th

State of Colorado

December 30th

Notice of Intent to Hold (NOI)

There is no official NOI form.

Mill sites and tunnel sites never have a work requirement.

When is an NOI required?

- No assessment work is required
- Switching from paying the maintenance fee to filing a waiver (this includes the maintenance fee paid at the time of locating the claim/site)

Recordation Deadline:

BLM

On or Before December 30th

State of Colorado

December 30th

When you submit a NOI as required in §3835.31(d), you must include the following:

- State on the form why you are filing a NOI instead of assessment work (filed a waiver for the upcoming year)
 - The name of the mining claim
 - The BLM serial number
 - Current name and address(es) for the claimants
 - The processing fee of \$10 per claim
-

Annual Requirement to Maintain a Mining Claim or Site

Where to File?

All filings for Federal unpatented mining claims in Colorado may be mailed or walked in to the:

Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, CO 80215-7076

The Andy Senti Public Lands Information Center will accept walk in filings and payments from 8:30 am to 4:00 pm, Monday through Friday. We will not accept any walk in filings or payments outside these hours. Do not leave filings with the mail room or the guard's desk outside these hours.



BE ALERT!

FILING REQUIREMENTS ARE SUBJECT TO CHANGE!

As an owner of Federal unpatented Mining claims or sites you are responsible for keeping yourself informed of the changes in the filing requirements and the mining laws. Congress may pass legislation affecting filing requirements and the procedure may change.

Online Maintenance Fee Payment Portal

Mining Claimants can now pay their annual maintenance fees online at:

<https://payp.blm.gov/eppcore/home>

BLM Forms

Forms may be filled out online and printed to submit to this office. The most current mining claim forms are available on our website at: <https://www.blm.gov/services/electronic-forms>

The Andy Senti Public Lands Information Center will accept walk in filings and payments from 8:30 am to 4:00 pm, Monday through Friday, forms are available in the office. To obtain a form by mail, call the Andy Senti Public Lands Information Center at 303-239-3600.

Switching/Changing How You File Annually

Switching from paying the maintenance fee to filing a waiver:

If you paid maintenance fees the previous year and are now switching to filing a waiver, a Notice of Intent to Hold is due by the end of the calendar year that you filed a waiver. Then

within the assessment year the \$100 work requirement is required, and an Affidavit of Assessment Work must also be filed for the assessment year covered by the waiver.

SWITCHING FROM FILING A WAIVER TO PAYING THE MAINTENANCE FEE

If you filed a waiver the previous year, and are now paying maintenance fees for the upcoming year, the \$100 work requirement is still due for the year covered by the waiver. The work must be done, and an Affidavit of Assessment Work must be filed by the end of the current calendar year which would be the same assessment year in which the work requirement was fulfilled.

Maintenance Fees

Due September 1st

Maintenance Fees for Lode Claims or Mining Sites

The claimant must pay the \$155 maintenance fee payment for each lode mining claim or mining site by September 1 of each year.

The claimant may use the new form available titled [Maintenance Fee Payment Form for Lode Claims, Mill Sites, and Tunnel Sites \(Form 3830-5\)](#), or provide a list of the claim/site name(s) and BLM serial number(s) for which the fees are being paid

Maintenance Fees for Placer Mining Claims

All existing placer mining claims that contain more than 20 acres will pay the annual maintenance fee based on the total acreage in the claim as follows:

Acreage in the Claim	Maintenance Fee Payment Due
<= 20 acres	\$155.00
> 20 acres and < = 40 acres	\$310.00
> 40 acres and < = 60 acres	\$465.00
> 60 acres and < = 80 acres	\$620.00
> 80 acres and < = 100 acres	\$775.00
> 100 acres and < = 120 acres	\$930.00
> 120 acres and < = 140 acres	\$1,085.00
> 140 acres and < = 160 acres	\$1,240.00

Key: <= means "less than or equal to"; > means "more than."

Claimants may use the form available titled, [Maintenance Fee Payment Form for Placer Mining Claims \(Form 3830-5a\)](#), or provide a list of the claim/site name(s) and BLM serial number(s) for which the fees are being paid.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
**MAINTENANCE FEE PAYMENT FORM FOR
LODE CLAIMS, MILL SITES, AND TUNNEL SITES**

Remitter Name: _____

Mailing Address: _____

City, State, Zip: _____

☐ **Check here if this is a change of address.**

FOR COUNTY RECORDER'S USE

No. of claims/sites _____

x \$155 per claim/site

Total due BLM \$ _____

1. The maintenance fee may be paid by cash, check, money order, Bureau of Land Management (BLM) Declining Deposit Account, or credit card (VISA, American Express, Discover, or MasterCard). Payments must be remitted to the BLM State Office where your claim or site is recorded and received on or before September 1. If the payment is mailed, the envelope must be postmarked by a bona fide delivery service on or before September 1 and received at the proper BLM State Office within 15 calendar days after the due date. Payments may also be made by telephone using a credit card. A complete listing of BLM State Offices with their addresses and phone numbers can be found at <http://www.blm.gov>.
2. The maintenance fee for the following claim(s)/site(s) applies to the assessment year _____.

CLAIM/SITE NAME	BLM SERIAL NO.

Use a separate sheet for additional claim/site names, serial numbers, and claimant names and addresses.

INSTRUCTIONS

1. This is an optional form that may be used to satisfy the requirements for the Bureau of Land Management (BLM) under the provisions of 43 U.S.C. §1744 and 30 U.S.C. §28f and the regulations thereunder (43 CFR part 3834). Since local and State laws may vary, you should contact your local and State agencies where the claims are located to ensure all applicable laws and requirements are satisfied.
2. This form should be used to pay the maintenance fee for lode mining claims, mill sites, and tunnel sites only. To pay the maintenance fee for placer mining claims, use Form 3830-5a.
3. Complete the section for the number of claims and the amount being remitted to the BLM.
4. Enter the year in paragraph 2 for the applicable assessment year.
5. List all mining claim or site names and the BLM serial number associated to the claim or site, if the BLM has notified you what the serial number is. Every attempt should be made to include the current BLM serial number for each claim or site listed.
6. The name and current mailing addresses of the person paying the maintenance fee(s) should be listed at the top of the form. If this is a change of address for a claimant, that should also be noted.
7. If needed, an additional sheet can be used to continue listing claim and site names and BLM serial numbers, or the name and current mailing address of additional claimants.
8. If paying by credit card, you must complete the following credit card information on page 3: (a) exact name on the face of the credit card; (b) amount paid; (c) type of card; (d) credit card number; (e) expiration date of the card; and (f) telephone number. You must also sign on page 3 to show authorization to charge the credit card.

NOTICES

THE PRIVACY ACT and 43 CFR 2.48(d) require that you be furnished with the following information in connection with the information requested by this form.

AUTHORITY: 30 U.S.C. 28f and 43 CFR part 3834 permit collection of the information requested by this form.

PRINCIPAL PURPOSE: The BLM will use the information you provide to record the annual maintenance fee payment for the claims and sites listed and to verify that payment has been made in accordance with 30 U.S.C. 28f and 43 CFR part 3834.

ROUTINE USES: The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.56(b) and (c).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the requested information is required by 30 U.S.C. 28f and 43 CFR part 3834 for claimants paying the annual maintenance fee. The use of this specific form when paying the maintenance fee is optional. However, when paying the maintenance fee, it is the requested information on this form that is required to be submitted along with the fee. Failure to submit all the required information will delay the BLM's processing of the information and may preclude the BLM's acceptance of the maintenance fee payment, which may result in forfeiture of the mining claim(s) or site(s) by the claimant.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
**MAINTENANCE FEE PAYMENT FORM
FOR PLACER MINING CLAIMS**

Remitter Name: _____

Mailing Address: _____

City, State, Zip: _____

☐ Check here if this is a change of address.

FOR COUNTY RECORDER'S USE

No. of claims _____

Total due BLM \$ _____

1. The maintenance fee may be paid by cash, check, money order, Bureau of Land Management (BLM) Declining Deposit Account, or credit card (VISA, American Express, Discover, or MasterCard). Payments must be remitted to the BLM State Office where your claim or site is recorded and received on or before September 1. If the payment is mailed, the envelope must be postmarked by a bona fide delivery service on or before September 1 and received at the proper BLM State Office within 15 calendar days after the due date. Payments may also be made by telephone using a credit card. A complete listing of BLM State Offices with their addresses and phone numbers can be found at <http://www.blm.gov>.
2. The maintenance fee for the following claim(s) applies to the assessment year _____.

CLAIM NAME	BLM SERIAL NO.	ACRES IN CLAIM	PAYMENT DUE TO THE BLM (See Instructions on Page 2)

Use a separate sheet for additional claim names, serial numbers, and claimant names and addresses.

INSTRUCTIONS

1. This is an optional form that may be used to satisfy the requirements for the Bureau of Land Management (BLM) under the provisions of 43 U.S.C. §1744 and 30 U.S.C. §28f and the regulations thereunder (43 CFR part 3834). Since local and State laws may vary, you should contact your local and State agencies where the claims are located to ensure all applicable laws and requirements are satisfied.
2. This form should be used to pay the maintenance fee for placer mining claims only. To pay the maintenance fee for lode mining claims, mill sites or tunnel sites, use Form 3830-5.
3. Complete the section for the number of claims and the amount being remitted to the BLM.
4. Enter the year in paragraph 2 for the applicable assessment year.
5. List all mining claim names and the BLM serial number associated to the claim if the BLM has notified you what the serial number is. Every attempt should be made to include the current BLM serial number for each claim listed. List the acreage for each claim and the amount due based on the acreage. See the chart below for amounts due.
6. The maintenance fee for placer mining claims is paid for every 20 acres of the claim **or portion thereof**. When making a maintenance fee payment for your placer claim, you should make your payment in accordance with the following chart:

Number of acres in the claim	Maintenance Fee Payment Due Per Claim
< = 20 acres	\$155
> 20 acres but < = 40 acres	\$310
> 40 acres but < = 60 acres	\$465
> 60 acres but < = 80 acres	\$620
> 80 acres but < = 100 acres	\$775
> 100 acres but < = 120 acres	\$930
> 120 acres but < = 140 acres	\$1,085
> 140 acres but < = 160 acres	\$1,240
> 160 acres	Contact the BLM

Legend: > means greater than; < means less than; = means equal to

7. The name and current mailing addresses of the person paying the maintenance fee(s) should be listed at the top of the form. If this is a change of address for a claimant, that should also be noted.
8. If needed, an additional sheet can be used to continue listing claim names, BLM serial numbers, acres in claim, payment due or the name and current mailing address of additional claimants.
9. If paying by credit card, you must complete the following credit card information on page 4: (a) exact name on the face of the credit card; (b) amount paid; (c) type of card; (d) credit card number; (e) expiration date of the card; and (f) telephone number. You must also sign page 4 to show authorization to charge the credit card.

NOTICES

THE PRIVACY ACT and 43 CFR 2.48(d) require that you be furnished with the following information in connection with the information requested by this form.

AUTHORITY: 30 U.S.C. 28f and 43 CFR part 3834 permit collection of the information requested by this form.

PRINCIPAL PURPOSE: The BLM will use the information you provide to record the annual maintenance fee payment for the claims listed and to verify that payment has been made in accordance with 30 U.S.C. 28f and 43 CFR part 3834.

ROUTINE USES: The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.56(b) and (c).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the requested information is required by 30 U.S.C. 28f and 43 CFR part 3834 for claimants paying the annual maintenance fee. The use of this specific form when paying the maintenance fee is optional. However, when paying the maintenance fee, it is the requested information on this form that is required to be submitted along with the fee. Failure to submit all the required information will delay the BLM's processing of the information and may preclude the BLM's acceptance of the maintenance fee payment, which may result in forfeiture of the mining claim(s) by the claimant.

COMPLETE THE FOLLOWING FOR CREDIT CARD PAYMENTS:

Exact name as shown on credit card: _____

Amount Paid: \$ _____

Type of Card: ☐ VISA ☐ MASTERCARD ☐ DISCOVER ☐ AMERICAN EXPRESS

CREDIT CARD NUMBER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration Date: _____ Telephone No.: _____

Signature: _____

Title 18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

NOTE TO BLM EMPLOYEES: DETACH THIS PAGE BEFORE FILING THIS FORM IN APPLICABLE CASE FILES.

Maint fee lode 2

Maintenance Fee Waiver Certification

Due September 1st

To waive the maintenance fee requirement for mining claim(s)/site(s), each claimant must qualify as a “small miner”. This means they and all related parties have an interest in no more than 10 unpatented mining claim(s)/site(s) nationwide, throughout the entire assessment year.

To apply as a small miner, it is **mandatory** that you use an official [Small Miner Maintenance Fee Waiver Certification \(Form 3830-2\)](#), commonly referred to as a small miner waiver. It must be completed and filed with the BLM **by September 1 BEFORE each assessment year you are applying for**. There is no fee requirement.

The information required to be on a small miner waiver is:

- The assessment year dates for which you are filing
- The claim name(s) and BLM serial number(s)
- The owner(s) listed with their current address
- Original signature of each owner (agent may sign with permission)

An agent may only sign for an owner when a notarized designation of agent is/was received by this office.

This office accepts separate small miner waivers for each claim if necessary.

Notice: If you currently hold mining claims under a waiver and you purchase, inherit, or otherwise obtain mining claims or sites that are subject to a waiver:

All claimants and related parties must only hold interest in 10 or fewer claims/sites nationwide throughout the entire assessment year to continue to hold any of the claims under a small miner waiver.

You must also qualify for the waiver in order for BLM to continue to apply the waiver to the claims/sites you have received in a transfer.

If you or related parties on the claim/site do not qualify for the waiver, the annual maintenance fee for the current assessment year must be paid by the September 1 for all claims held by a waiver, following the date the transfer became effective under state law. This would be in addition to the maintenance fee payment that is due by September 1 for the upcoming year.

When filing a small miner's waiver, you are required to file either an [Affidavit of Assessment Work \(3830-004\)](#) or a Notice of Intent to Hold (NOI) along with a \$10 per claim/site processing fee by December 30 of the calendar year in which the assessment year ends.

Example – Maintenance Fee Waiver Certification

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MAINTENANCE FEE WAIVER CERTIFICATION

**THIS IS NOT AN OFFICIAL FORM – DO NOT USE TO
FILE WITH THE BLM**

This small miner waiver is filed for the assessment year beginning on **September 1, 2018** and ending on **September 1, 2019**.

The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on **September 1, 2018**.

The undersigned have performed the assessment work required by law for each mining claim listed prior to filing this waiver and understand that by filing this form, the undersigned must file an affidavit of assessment work with the BLM by December 30th following the filing of this waiver.

The undersigned understand that if the assessment work obligation has not yet come due under 30 U.S.C. 28 (for those claims in their first assessment year only), a notice of intent to hold reciting this condition must be recorded by the December 30th following the filing of this waiver.

The undersigned understand that mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee, and that a notice of intent to hold for these sites is required to be filed with the BLM by the December 30th following the filing of this waiver.

The undersigned understand and acknowledge that pursuant to 43 U.S.C. 1212 and 18 U.S.C. 1001, the filing or recording of a false, fictitious, or fraudulent documents with the BLM may result in a fine of up to \$250,000, a prison term not exceed five years, or both.

The mining claims, mill or tunnel sites for which this waiver from payment of the maintenance fees is requested are:

CLAIM OR SITE NAME	BLM SERIAL NUMBER
The owner(s) (claimants) of the above mining claims or sites are:	
Claimants Name (Owner's Name – Please Print)	Claimants or Agents Original Signature (Owner's Signature)
Claimants Address (Owner's Mailing Address)	Claimants Address Continued (City) (State) (Zip Code)

THIS IS NOT AN OFFICIAL FORM – DO NOT USE TO FILE WITH THE BLM

MAINTENANCE FEE WAIVER CERTIFICATION

FORM APPROVED
OMB NO. 1004-0114
Expires: Icpwct{"53."4242

SEE INSTRUCTIONS ON PAGE 2

- 1. This small miner waiver is filed for the assessment year beginning on September 1, _____ and ending on September 1, _____.
- 2. The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on September 1, _____.
- 3. The undersigned have performed the assessment work required by law for each mining claim listed prior to filing this waiver and understand that by filing this form, the undersigned must file an affidavit of assessment work with the Bureau of Land Management (BLM) by the December 30th following the filing of this waiver.
- 4. The undersigned understand that if the assessment work obligation has not yet come due under 30 U.S.C. 28 (for those claims in their first assessment year only), a notice of intent to hold reciting this condition must be recorded by the December 30th following the filing of this waiver.
- 5. The undersigned understand that mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee, and that a notice of intent to hold for these sites is required to be filed with the BLM by the December 30th following the filing of this waiver.
- 6. The undersigned understand and acknowledge that pursuant to 43 U.S.C. 1212 and 18 U.S.C. 1001, the filing or recording of a false, fictitious, or fraudulent document with the BLM may result in a fine of up to \$250,000, a prison term not to exceed five years, or both.
- 7. The mining claims, mill or tunnel sites for which this waiver from payment of the maintenance fees is requested are:

CLAIM OR SITE NAME	BLM RECORDATION SERIAL NUMBER
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

The owner(s) (claimants) of the above mining claims and sites are:

<div>(Owner's Name - Please Print)</div>	<div>(Owner's Signature)</div>		
<div>(Owner's Mailing Address)</div>	<div>(City)</div>	<div>(State)</div>	<div>(Zip Code)</div>

<div>(Owner's Name - Please Print)</div>	<div>(Owner's Signature)</div>		
<div>(Owner's Mailing Address)</div>	<div>(City)</div>	<div>(State)</div>	<div>(Zip Code)</div>

<div>(Owner's Name - Please Print)</div>	<div>(Owner's Signature)</div>		
<div>(Owner's Mailing Address)</div>	<div>(City)</div>	<div>(State)</div>	<div>(Zip Code)</div>

<div>(Owner's Name - Please Print)</div>	<div>(Owner's Signature)</div>		
<div>(Owner's Mailing Address)</div>	<div>(City)</div>	<div>(State)</div>	<div>(Zip Code)</div>

(Owner's Name - Please Print)	(Owner's Signature)		
(Owner's Mailing Address)	(City)	(State)	(Zip Code)
(Owner's Name - Please Print)	(Owner's Signature)		
(Owner's Mailing Address)	(City)	(State)	(Zip Code)
(Owner's Name - Please Print)	(Owner's Signature)		
(Owner's Mailing Address)	(City)	(State)	(Zip Code)
(Owner's Name - Please Print)	(Owner's Signature)		
(Owner's Mailing Address)	(City)	(State)	(Zip Code)

18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

INSTRUCTIONS

1. This certification is made under the provisions of 43 U.S.C. § 1744 and 30 U.S.C. §28-28k and the regulations thereunder (43 CFR Part 3830).
2. The claimant(s) must fill in the dates in paragraph 1 for the beginning and ending of the assessment year for which this waiver is sought.
3. The claimant(s) must fill in the date in paragraph 2 for the beginning of the assessment year for which this waiver is sought.
4. All claim and site names and BLM serial numbers must be listed for the mining claims, mill sites, and tunnel sites for which the waiver is sought.
5. All owners of the mining claims, mill sites, and tunnel sites and their addresses must be given.
6. This waiver form must be signed by all the claimants or their designated agent, in original form. If an agent is designated, a notarized designation of agent, signed by all of the claimants with proper address given, must be submitted with this waiver.
7. This form must be filed no later than September 1st for the upcoming assessment year in the BLM State Office where the mining claims or sites are recorded, or the waiver cannot be granted by the BLM. (Example: To obtain a waiver for the assessment year 2012, which begins on September 1, 2011, you must qualify for and file for a waiver no later than September 1, 2011, in the proper BLM State Office.)
8. For all mining claims which require assessment work, you must record an affidavit of labor on or before the December 30th immediately following the filing of this waiver. For all other mining claims or sites waived, you must record a notice of intent to hold on or before the December 30th immediately following the filing of this waiver.
9. Mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee. A notice of intent to hold for these sites is required to be filed by the December 30th following the filing of this waiver.

FOR OFFICIAL USE ONLY

NOTICES

The Privacy Act and 43 CFR 2.445(d) require that you be furnished the following information in connection with the information requested by this form.

AUTHORITY: 30 U.S.C. 28f and 43 CFR part 3835 permit collection of the information requested by this form.

PRINCIPAL PURPOSE: The BLM will use the information you provide to verify that the owner(s) (claimants(s)) of a mining claim has/have complied with 30 U.S.C. 28f and 43 CFR part 3835 and is/are entitled to perform assessment work in lieu of paying the maintenance fee for the mining claims listed on this form.

ROUTINE USES: The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.453(b) and (c).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the requested information is required by 30 U.S.C. 28f and 43 CFR part 3835 for those claimants qualified to request the small miner waiver allowed. Failure to submit all the requested information or to complete this form will delay the BLM's processing of the form and may preclude the BLM's acceptance of the maintenance fee waiver request, which may result in forfeiture of the mining claim or site by the claimant.

The Paperwork Reduction Act requires us to inform you that:

The BLM collects this information to determine whether or not you are qualified for waiver of maintenance fees.

Submission of the requested information is necessary to obtain or retain a benefit.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may submit comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0114), Bureau Information Collection Clearance Officer (WO-630), Mail Stop 401 LS, 1849 C St., N.W., Washington, D.C. 20240.

Affidavit of Annual Assessment Work

Due December 30th

When a small miner waiver is filed for a mining claim, the claimant must perform a minimum amount of \$100 of labor and improvements on the claim IN the assessment year, EVERY year, and file an [Affidavit of Annual Assessment Work \(Form 3830-004\)](#) (optional form), along with a \$10 per claim processing fee in the BLM State Office by December 30 of the CALENDER year in which the assessment year ends.

There is a new BLM form that may be used titled [Affidavit of Annual Assessment Work \(Form 3830-004\)](#) or claimants may 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

Since 1992, and according to State of Colorado law ([C.R.S. 34-43-114](#)), the claimant may pay the annual maintenance fee per claim or site in lieu of performing the annual assessment work.

Assessment work is work or labor performed in good faith that tends to develop the claim and directly helps in the extraction of minerals. Geological, geophysical, and geochemical surveys may qualify as assessment work for a limited period. However, a requirement for use of these surveys is the filing of a detailed report, including basic findings.

The assessment work must be performed within the assessment year, and the [Affidavit of Annual Assessment Work \(Form 3830-004\)](#) along with a \$10 per claim processing fee in the BLM State Office by December 30 of the calendar year in which the assessment year ends.

Assessment work is not a requirement for owners of mill or tunnel sites. However, they must file a Notice of Intention to Hold (NOI) along with the processing fee of \$10 per mining site by December 30 with the BLM.

Performance of assessment work need not occur during the first assessment year of location as the initial maintenance fee is paid when the mining claim or site was located. However, for claims located between September 1 and December 31, and if the claimant is filing a waiver for the upcoming assessment year, the claimant must file a Notice of Intention to Hold (NOI) the claim with the BLM by December 30 of the following calendar year.

IMPORTANT REMINDER: For those claimants who filed a waiver last year, you must still file an Affidavit of Assessment Work on or before December 30th, regardless of whether you pay the maintenance fee for the upcoming assessment year.

Example - Affidavit of Annual Assessment Work

**THIS IS NOT AN
OFFICIAL FORM**

AFFIDAVIT OF ASSESSMENT WORK

**DO NOT USE THIS
FORM TO FILE WITH
THE BLM**

WHEN RECORDED, MAIL DOCUMENT TO:

NAME: CLAIMANT NAME

ADDRESS: CLAIMANT ADDRESS

CITY, STATE, ZIP: CLAIMANT ADDRESS CONTINUED

No. of Claims: _____ x \$10/claim: _____ Total due BLM \$: _____

TO ALL WHOM IT MAY CONCERN:

The undersigned certifies that at least \$100 per claim was expended for development, labor and improvements, or equivalent value added, as the annual assessment work for the assessment year ending September 1, 2017 for the following contiguous unpatented mining claim(s), located in the County of _____, in the State of Colorado.

BLM Serial No. Name of Claim Tp Rg Sec Mer County Recordation Date

Type of labor and improvements (specify what was done and give the total value for that labor and improvement to show at least \$100 for each claim). If a geological, geochemical, or geophysical survey was performed, as per 30 U.S.C. 28-1, reference the title of the report of survey, give cost and date of the survey and report, and indicate it was filed with the County Recorder:

Description of Work Performed	Value of Work Performed	Date Work Was Performed

Name and mailing address of each person who performed the labor and improvements:

Name	Current Mailing Address	

The undersigned testifies that on the date of **(Location Date or Later Date)**, 20__, all monuments required by law were erected upon the subject claim(s), and all notices required by law were posted on the subject claim(s) or copies thereof were in place, and at said date, each corner monument bore or contained.....

THIS IS NOT AN OFFICIAL FORM – DO NOT FILE WITH THE BLM.

Blank

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO.: 1004-0114
Expires: January 31, 2020

AFFIDAVIT OF ANNUAL ASSESSMENT WORK

WHEN RECORDED, MAIL DOCUMENT TO:

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

FOR COUNTY RECORDER'S USE

No. of Claims _____

x \$10/claim

Total due BLM \$ _____

TO ALL WHOM IT MAY CONCERN:

1. The undersigned certifies that at least \$100 per claim was expended for development, labor and improvements, or equivalent value added, as the annual assessment work for the assessment year ending September 1, _____ for the following contiguous unpatented mining claim(s), located in the County of _____, in the State of _____.

BLM Serial No.	Name of Claim	Tp	Rg	Sec	Mer	County Recordation Book and Page No.	Co. Recording Date

2. Type of labor and improvements (specify what was done and give the total value for that labor and improvement to show at least \$100 for each claim). If a geological, geochemical, or geophysical survey was performed, as per 30 U.S.C. 28-1, reference the title of the report of survey, give cost and date of the survey and report, and indicate it was filed with the County Recorder:

Description of Work Performed	Value of Work Performed	Date Work Was Performed

3. Name and mailing address of each person who performed the labor and improvements:

Name (please print)

Current Mailing Address (please print)

4. Name and mailing address of each person who holds and claims the subject mining claim(s) for the valuable minerals contained therein. Be sure to indicate if there is a change of address:

Name (please print)

Current Mailing Address (please print)

5. The undersigned testifies that on the date of _____, 20____, all monuments required by law were erected upon the subject claim(s), and all notices required by law were posted on the subject claim(s) or copies thereof were in place, and at said date, each corner monument bore or contained

markings sufficient to appropriately designate the corner of the claim to which it pertains and the name of the claim(s).

I hereby certify under penalty of perjury under the laws of the State of _____ that the foregoing statements are true and correct:

(Signature of person responsible for above statement) Date: _____

Title 18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Notary Block

SUBSCRIBED AND SWORN TO before me, this _____ day of _____ 20_____

By: _____
(Signature of Affiant)

Title: _____

My Commission Expires: _____

INSTRUCTIONS

1. This is an optional form that may be used to satisfy the requirements for the Bureau of Land Management (BLM) under the provisions of 43 U.S.C. §1744 and 30 U.S.C. §28-28d and the regulations thereunder (43 CFR part 3835). Since local and State laws may vary, you should contact your local and State agencies where the claims are located to ensure all applicable laws and requirements are satisfied.
2. The claimant(s) must fill in the date in paragraph 1 for the applicable assessment year and the county and state where the claims are located.
3. All claim names, BLM serial numbers, legal descriptions, and original county recording information must be listed for the claims pertaining to this assessment notice.
4. The claimant(s) must complete paragraph 2 listing all labor or improvements which was performed on or did benefit the subject mining claims. The value and date of the labor or improvements must also be listed. The total amount of labor or improvements can be listed, but the total expenditure must equal at least \$100 for each claim.
5. The names and current mailing addresses of the person(s) performing the labor shall be listed in paragraph 3.
6. The name and current mailing address of each owner (claimant) of the claims shall be listed in paragraph 4. The mailing address shall be the owner's address and not the address of an agent or anyone representing the claimant. Be sure to note if there has been a change of address.
7. Paragraph 5 shall be completed to show the date it was verified that all monuments required by law were properly erected, all notices were posted, and that corners were appropriately designated for all claims listed.
8. An exact legible reproduction or duplicate (other than microfilm or other electronic media) of this affidavit or another type of affidavit of assessment work that you file or will file in the county where each claim is located, must be filed with the BLM on or before December 30 of the calendar year in which the assessment year ends. For mill or tunnel sites, a separate notice of intent to hold must be filed with the BLM on or before December 30. Requirements for filing a notice of intent to hold can be found at 43 CFR 3835.33.
9. A processing fee of \$10 for each claim listed must be remitted to the BLM along with this or any other affidavit of assessment work.

NOTICES

THE PRIVACY ACT and 43 CFR 2.223(d) require that you be furnished with the following information in connection with the information requested by this form.

AUTHORITY: 30 U.S.C. §28-28d and 43 CFR part 3835 permit collection of the information requested by this form.

PRINCIPAL PURPOSE: The BLM will use the information you provide to document compliance with 43 U.S.C. 1744 and that assessment work has been completed in accordance with 30 U.S.C. § 28-28d and 43 CFR part 3835 in lieu of paying the maintenance fee for the mining claims listed on this form.

ROUTINE USES: The BLM will only disclose this information in accordance with the provisions at 43 CFR 2.231(b) and (c).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the requested information is required by 30 U.S.C. § 28-28d and 43 CFR part 3835 for claimants qualified to perform assessment work in lieu of paying the maintenance fee. Failure to submit all the requested information or to complete this form will delay the BLM's processing of the form and may preclude the BLM's acceptance of the assessment work information, which may result in forfeiture of the mining claim(s) by the claimant.

THE PAPERWORK REDUCTION ACT requires us to inform you that:

Use of this form is optional. You must perform assessment if a waiver to pay the maintenance fee has been requested. This form is provided to help you attest that annual assessment work has been completed in lieu of paying the maintenance fee for your claim(s). Submission of the requested information is necessary to obtain or retain a benefit.

You do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a valid OMB control number.

BURDEN HOURS STATEMENT: The estimated public reporting burden for this form is 30 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may submit comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0114), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Room 2134LM, Washington, D.C. 20240.

Notice of Intent to Hold

Due December 30th

A Notice of Intent to Hold Mining Claim(s)/Site(s) (NOI) may be filed in the following circumstances:

- It is the first year you have located your claim, and a small miner waiver has been filed for the upcoming year (assessment work is not required the first year of location)
- A small miner waiver has been filed on a tunnel or mill site claim (assessment work is not required on mining sites)
- The maintenance fee has been paid for the current year, and a small miner 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

There is no BLM form available. Claimants may use template forms from other states, or create a form that meets the State and Federal requirements. The NOI form must state:

- BLM serial number(s) and claim name(s)
- Change in mailing address of the claimant(s)
- Statement as to why assessment work is not required
- Signature of claimant(s) or their designated agent(s)

The NOI along with a \$10 per claim/site processing fee is due by December 30 of the calendar year (the same year) that the assessment work requirement would be due.

Example - Notice of Intent to Hold

**THIS IS
NOT AN
OFFICIAL
FORM**

NOTICE OF INTENT TO HOLD (NOI) MINING CLAIM(S)/SITE(S)

**THIS IS AN EXAMPLE
FORM.
DO NOT USE THIS TO FILE
WITH THE BLM.**

TO ALL WHOM IT MAY CONCERN:

I (We) intend to hold the claim(s) and/or site(s) listed below for the assessment year **2018**, and has filed or will file a NOI in the country in which the claim is located.

The reason for filing a NOI instead of an Affidavit of Assessment Work/Labor (POL) (check one):

- ☐ Mill Site or Tunnel Site
- ☐ Mining claim(s)/site(s) were located during the current assessment year
- ☐ The assessment work obligation has not yet come due

The Certificate(s) of Location and map(s) for said claim(s)/site(s) is filed in the County records.

Name of Claim(s) or Site(s):	BLM Serial No(s):
RETIREMENT FUND	CMC 555555

A total number of claim(s) is being filed with this document.

Name(s) and mailing address (es) of owner(s)/claimant(s):

Dated this day of , 20 .

Signed By:

Owner, Claimant, Agent, Signature

THIS IS NOT AN OFFICIAL FORM – DO NOT USE TO FILE WITH THE BLM

Annual Filing Requirement Scenarios

New Mining claims or sites

Scenario #1

When a new claim is located (location date) prior to September 1, 2015 and the claim is not filed with the BLM until after September 1, 2015, it bridges two assessment years (referred to as a Bridge Claim). What is due at the time of filing with the BLM?

Location Date	Date Filed with BLM	New Location Filing Fees		Additional Requirement
7-1-2015 Located in the 2015 assessment year	9-15-2015	\$212 (for 2015 assessment year)	PLUS	\$155 maintenance fee for 2016 assessment year Or Maintenance Fee Waiver for the 2016 assessment year (must be filed with the COL)

Scenario #2

A new lode mining claim location located and filed with the BLM close to the September 1st assessment year deadline, and the claimant pays the maintenance fee every year after location.

Location Date	Date Filed with BLM & Fees	By September 1, 2015	By December 30, 2015	By September 1, 2016	By December 30, 2016
7-1-2015 Located in the 2015 assessment year	7-5-2015 \$212	Pays \$155 maintenance fee for the 2016 assessment year	No Filing Requirement	Pays \$155 maintenance fee for 2017 assessment year	No Filing Requirement

Scenario #3

A new lode mining claim location located and filed with the BLM close to the September 1st assessment year deadline, and the claimant files a waiver after the first year of location.

Location Date	Date Filed with BLM & Fees	By September 1, 2015	By December 30, 2015	By September 1, 2016	By December 30, 2016
7-1-2015 Located in the 2015 assessment year	7-5-2015 \$212 (for 2015 assessment year)	Files a Waiver for the 2016 assessment year	A Notice of Intent to Hold for the 2015 assessment year because work not yet due.	Files a Waiver for the 2017 assessment year	Files 2016 Affidavit of Assessment Work showing at least \$100 of work performed from 9/1/2015 to 9/1/2016.

Existing Mining claims or sites

Scenario #1

A claimant pays maintenance fees on an existing claim, then switches to filing a waiver certification the next year, and then switches back to paying maintenance fees the following year.

By Sept. 1, 2013	By Dec. 30, 2013	By Sept. 1, 2014	By Dec. 30, 2014	By Sept. 1, 2015	By December 30, 2015
Has paid maintenance fees since location & pays maintenance fee for 2014 assessment year	No Filing Requirement	Files a waiver for 2015 assessment year	Notice of Intent to Hold for 2014 is due, because claimant switched to a waiver	Pays the maintenance fee for the 2016 assessment year.	Files 2015 Affidavit of Assessment Work stating at least \$100 of work was completed between 9/1/2014 to 9/1/2015.

Scenario #2

What happens when a claimant has been filing for the waiver on an existing claim and switches to paying the maintenance fee for the next year and then back to filing for the waiver for the following year.

By Sept. 1, 2013	By Dec. 30, 2013	By Sept. 1, 2014	By Dec. 30, 2014	By Sept. 1, 2015
Has filed waivers since location & files a waiver for the 2014 assessment year	Files 2013 Affidavit of Assessment Work showing at least \$100 of work performed from 9/1/2012 to 9/1/2013.	Pays 2015 maintenance fee	Files 2014 Affidavit of Assessment Work showing at least \$100 of work performed from 9/1/2013 to 9/1/2014.	Files a waiver for 2016 assessment year Continued below...

By December 30, 2015	By September 1, 2016	By December 30, 2016
A notice of intent to hold for 2015 is due, because they switched to a waiver.	Files a waiver for the 2017 assessment year	Files 2016 Affidavit of Assessment Work showing at least \$100 of work performed from 9/1/2015 to 9/1/2016.

Mining Claim Terminology

Aliquot part means a legal subdivision of a section of a township and range, except fractional lots, by division into halves or quarters.

Amendment means the act of making a change in a previously recorded mining claim or site as described in § 3833.21 of this chapter.

Annual FLPMA documents means either a notice of intent to hold, or an affidavit of assessment work, as prescribed in section 314(a) of FLPMA (43 U.S.C. 1744(a)). The term “proof of labor” (commonly used to describe this document) means the same as “affidavit of assessment work” as used in this part. See parts 3835 and 3836 of this chapter for further information.

Assessment year means a period of 12 consecutive months beginning on September 1 each year. See part 3836 of this chapter for further information.

Bench placer claim means a placer mining claim located on terraces or former floodplains made of gravel or sediment or both on the valley wall or slope above the current riverbed, and created when the river previously was at a higher topographic level than now.

BLM State Office means the Bureau of Land Management State Office listed in § 1821.10 of this chapter having jurisdiction over the land in which the mining claims or sites are situated.

Casual use means activities ordinarily resulting in no or negligible disturbance of the Public Lands or resources. For example—

Casual use generally includes the collection of geochemical, rock, soil, or mineral specimens using hand tools; hand panning; or non-motorized sluicing. It may include use of small portable suction dredges. It also generally includes use of metal detectors, gold spears and other battery-operated devices for sensing the presence of minerals, and hand and battery-operated dry washers. Operators may use motorized vehicles for casual use activities provided the use is consistent with the regulations governing such use (part 8340 of this title), off-road vehicle use designations contained in BLM land-use plans, and the terms of temporary closures ordered by BLM.

Casual use does not include use of mechanized earth-moving equipment, truck-mounted drilling equipment, motorized vehicles in areas when designated as closed to “off-road vehicles” as defined in § 8340.0-5 of this title, chemicals, or explosives. It also does not include “occupancy” as defined in § 3715.0-5 of this title or operations in areas where the cumulative effects of the activities result in more than negligible disturbance.

Claimant means the person under state or Federal law who is the owner of all or any part of an unpatented mining claim or site.

Closed to mineral entry means the land is not available for the location of mining claims or sites because Congress, BLM, or another surface managing agency has withdrawn or otherwise segregated the lands from the operation of the General Mining Law, often subject to valid existing rights.

Control means actual control, legal control, or the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or Investment Company, or any other means. BLM may determine, based on evidence that we find adequate, that a stockholder who is not an officer or director, or who is not a majority shareholder, of a company or corporation exercises control as defined in these regulations.

Discovery means that a mining claimant has found a valuable mineral deposit.

Exploration means creating surface disturbance greater than casual use that includes sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present. Exploration does not include activities where material is extracted for commercial use or sale.

Federal lands means any lands or interest in lands owned by the United States, subject to location under the General Mining Law, including, but not limited to, those lands within forest reservations in the National Forest System and wildlife refuges in the National Wildlife Refuge System.

Filed means a document is—

(a) Received by BLM on or before the due date; or

(b)(1) Postmarked or otherwise clearly identified as sent on or before the due date by a *bona fide* mail delivery service, and

(2) Received by the appropriate BLM state office either:

Within 15 calendar days after the due date; or

On the next business day after the 15th day, if the 15th day is not a business day (see subpart 1822 of this chapter).

FLPMA means the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*).

Forfeit or forfeiture means the voidance or invalidation of an unpatented mining claim or site. The terms “abandoned and void”, “null and void,” “void ab initio” and “forfeited” have the same effect in these regulations.

General Mining Law means the Act of May 10, 1872, as amended, (codified as 30 U.S.C. 22-54).

Gulch placer claim means a placer claim located on the bed of a river contained within steep, nonmineral canyon walls. The form of the river valley and nonmineral character of the valley walls preclude the location of the claim by aliquot parts and a metes and bounds description is necessary.

Local recording office means the county or state government office established under state law where you are usually required to record all legal documents including, but not limited to, deeds and wills.

Location fee means the one-time fee that 30 U.S.C. 28g requires you to pay for all new mining claims or sites at the time you record them with BLM. See § 3830.21 for the table of fees.

Maintenance fee means the initial or annual fee that 30 U.S.C. 28f requires you to pay to hold and maintain mining claims or sites. See § 3830.21 for the table of fees.

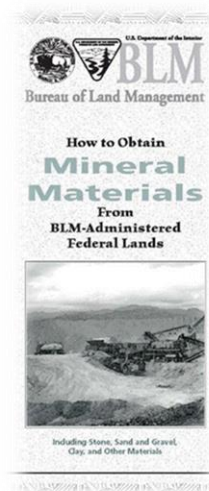
Metes and bounds means a method of describing a parcel of land that does not conform to the rectangular U.S. Public Land Survey System, using compass bearings and distances from a known point to a specified point on the parcel and then by using a continuous and sequential set of compass bearings and distances beginning at the point of beginning, continuing along and between the corners or boundary markers of the parcel's outer perimeter, until returning to the point of beginning.

Mineral-in-character means land that is known, or can reasonably be inferred from the available geologic evidence, to contain valuable minerals subject to location under the general mining law for purpose of locating mining claims or sites; or mineral materials for purposes of disposal under part 3600 of this chapter.

Mineral Leasing Acts means the Mineral Leasing Act of [February 25,] 1920, as amended (30 U.S.C. 181 *et seq.*); the Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended, (30 U.S.C. 351 *et seq.*); and including all Acts referenced in 30 U.S.C. 505. The definition pertains to all minerals that BLM administers under Groups 3100, 3200, 3400, and 3500 of this chapter.

Mineral materials means those materials that—

(a) BLM may sell under the Mineral Materials Act of July 31, 1947 (30 U.S.C. 601-604), as amended by the Surface Resources Act of 1955 (30 U.S.C. 601, 603, and 611-615); and (b) BLM administers under part 3600 of this chapter.



Minimize means to reduce the adverse impact of an operation to the lowest practical level. During review of operations, BLM may determine that it is practical to avoid or eliminate particular impacts.

Mining claim means any unpatented mining claim, mill site, or tunnel site located under the mining laws.

Mining “claimant” is defined in § 3833.0-5 of this title.

Mining laws means the Lode Law of July 26, 1866, as amended (14 Stat. 251); the Placer Law of July 9, 1870, as amended (16 Stat. 217); and the Mining Law of May 10, 1872, as amended (17 Stat. 91); as well as all laws supplementing and amending those laws, including the Building Stone Act of August 4, 1892, as amended (27 Stat. 348); the Saline Placer Act of January 31, 1901 (31 Stat. 745); the Surface Resources Act of 1955 (30 U.S.C. 611-614); and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

Mitigation, as defined in 40 CFR 1508.20, may include one or more of the following:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- Compensating for the impact by replacing, or providing substitute, resources or environments.

Multiple Mineral Development Act means the Act of August 13, 1954, as amended (30 U.S.C. 521-531).

Non-mineral land means land that is not mineral-in-character.

Operations means all functions, work, facilities, and activities on Public Lands in connection with prospecting, exploration, discovery and assessment work, development, extraction, and processing of mineral deposits locatable under the mining laws; reclamation of disturbed areas; and all other reasonably incident uses, whether on a mining claim or not, including the construction of roads, transmission lines, pipelines, and other means of access across Public Lands for support facilities.

Operator means a person conducting or proposing to conduct operations.

Open to mineral entry means that the land is open to the location of mining claims or sites under the General Mining Law.

Patent means a document conveying title to Federal surface and/or minerals.

Person means any individual, firm, corporation, association, partnership, trust, consortium, joint venture, or any other entity conducting operations on Public Lands.

Processing Fee means an administrative fee that BLM assesses under this part to cover the cost of processing documents.

Project area means the area of land upon which the operator conducts operations, including the area required for construction or maintenance of roads, transmission lines, pipelines, or other means of access by the operator.

Public Lands, as defined in 43 U.S.C. 1702, means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the BLM, without regard to how the United States acquired ownership, except— (1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

Reclamation means taking measures required by this subpart following disturbance of Public Lands caused by operations to meet applicable performance standards and achieve conditions required by BLM at the conclusion of operations. For a definition of “reclamation” applicable to operations conducted under the mining laws on Stock Raising Homestead Act lands, see part 3810, subpart 3814 of this title. Components of reclamation include, where applicable:

- Isolation, control, or removal of acid-forming, toxic, or deleterious substances;
- Regrading and reshaping to conform with adjacent landforms, facilitate revegetation, control drainage, and minimize erosion;
- Rehabilitation of fisheries or wildlife habitat;
- Placement of growth medium and establishment of self-sustaining revegetation;
- Removal or stabilization of buildings, structures, or other support facilities;
- Plugging of drill holes and closure of underground workings; and
- Providing for post-mining monitoring, maintenance, or treatment.

Recording means the act of filing a notice or certificate of location with the local recording office and BLM, as required by FLPMA.

Related party means:

The spouse and dependent children of the claimant as defined in section 152 of the Internal Revenue Code of 1986; or

A person who controls, is controlled by, or is under common control with the claimant.

Riparian area is a form of wetland transition between permanently saturated wetlands and upland areas. These areas exhibit vegetation or physical characteristics reflective of permanent surface or subsurface water influence. Typical riparian areas include lands along, adjacent to, or contiguous with perennially and intermittently flowing rivers and streams, glacial potholes, and the shores of lakes and reservoirs with stable water levels. Excluded are areas such as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

Segregate or segregation means the Department of the Interior has closed the affected lands to mineral entry or withdrawn the affected lands from mining claim location, land transactions, or other uses as specified in a statute, regulation, or Public Land order affecting the land in question. The land remains segregated until the statutory period has expired, BLM ends the segregation under § 2091.2-2 of this chapter, or the Department of the Interior removes the notation of segregation from its records, whichever occurs first.

Site means either an unpatented mill site authorized under 30 U.S.C. 42 or a tunnel site authorized under 30 U.S.C. 27.

Small miner means a claimant who, along with all related parties, holds no more than 10 mining claims or sites on Federal lands on the date annual maintenance fees are due, and meets the additional requirements of part 3835 of this chapter.

Split estate lands means that lands where United States owns the mineral estate as part of the public domain, but not the surface.

Surface Resources Act means the Act of July 23, 1955 (30 U.S.C. 601, 603, and 611-615).

Unnecessary or undue degradation means conditions, activities, or practices that:

Fail to comply with one or more of the following: the performance standards in § 3809.420, the terms and conditions of an approved plan of operations, operations described in a complete notice, and other Federal and state laws related to environmental protection and protection of cultural resources; Are not “reasonably incident” to prospecting, mining, or processing operations as defined in § 3715. 0-5 of this chapter; or Fail to attain a stated level of protection or reclamation required by specific laws in areas such as the California Desert Conservation Area, Wild and Scenic Rivers, BLM-administered portions of the National Wilderness System, and BLM-administered National Monuments and National Conservation Areas.

Unpatented mining claim means a lode mining claim or a placer mining claim located and maintained under the General Mining Law for which BLM has not issued a mineral patent under 30 U.S.C. 29.

Locate and Maintain a Mining Claim Regulations

3730

PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS: GENERAL

§ 3730.0-1 Purpose; lands open.

§ 3731.1 Power rights retained in the United States.

§ 3734.1 Owner of claim to file notice of location and assessment work.

§ 3736.1 Placer locator to conduct no mining operations for 60 days.

§ 3736.2 Hearing; notice of protest.

§ 3737.1 Mining claim and millsite use.

§ 3738.1 Bond or deposit required.

§ 3738.2 Restoration of surface condition.

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LANDS AND MINERALS SUBJECT TO LOCATION

§ 3811.1 Lands: General.

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LOCATING, RECORDING, AND MAINTAINING MINING CLAIMS OR SITES; GENERAL PROVISIONS

§ 3830.2 What is the scope of these regulations?

Who Can Locate?

§ 3830.3 Who may locate mining claims?

What are Locatable Minerals?

§ 3830.11 Which minerals are locatable under the General Mining Law?

§ 3830.12 What are the characteristics of a locatable mineral?

What are the Fees?

§ 3830.21 What are the different types of service charges and fees?

§ 3830.25 When do I pay for recording a new notice or certificate of location for a mining claim or site?

§ 3830.95 What if I pay only part of the service charges, location fees, or first year maintenance fees for newly-recorded claims or sites?

§ 3830.24 How do I make payments?

§ 3830.23 What types of payment will BLM accept?

What if I fail to comply with these regulations?

§ 3830.91 What happens if I fail to comply with these regulations?

§ 3830.93 When are defects curable?

§ 3830.94 How may I cure a defect in my compliance with these regulations?

§ 3830.22 Will BLM refund service charges or fees?

§ 3830.100 How do I appeal a final decision by BLM?

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LOCATING MINING CLAIMS OR SITES

§ 3832.1 What does it mean to locate mining claims or sites?

§ 3832.11 How do I locate mining claims or sites?

Locating a lode or placer mining claim.

§ 3832.21 How do I locate a lode or placer mining claim?

§ 3832.22 How much land may I include in my mining claim?

Locate a mill site.

§ 3832.31 What is a mill site?

§ 3832.32 How much land may I include in my mill site?

§ 3832.33 How do I locate a mill site?

§ 3832.34 How may I use my mill site?

Locate a tunnel site.

§ 3832.41 What is a tunnel site?

§ 3832.42 How do I locate a tunnel site?

§ 3832.43 How may I use a tunnel site?

§ 3832.44 What rights do I have to minerals within my tunnel site?

§ 3832.45 How do I obtain any minerals that I discover within my tunnel site?

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RECORDING MINING CLAIMS OR SITES

§ 3833.1 Why must I record mining claims or sites?

§ 3833.11 How do I record mining claims or sites?

§ 3830.8 How will BLM use the information it collects and what does it estimate the burden is on the public?

§ 3830.9 What will happen if I file a document with BLM that I know contains false, erroneous, or fictitious information or statements?

How to amend a mining claim or site

§ 3833.21 When may I amend a notice or certificate of location?

§ 3833.22 How do I amend my location?

How to transfer a claimant's interest in a mining claim or site

§ 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?

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

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

3834

REQUIRED FEES FOR MINING CLAIMS OR SITES

- § 3834.11 Which fees must I pay to maintain a mining claim or site and when do I pay them?
- § 3834.12 How will BLM know for which mining claims or sites I am paying the fees?
- § 3834.21 How will BLM adjust the location and maintenance fees?
- § 3834.22 How will I know that BLM has adjusted location and maintenance fees?
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- § 3834.14 May I obtain a waiver from these fees?

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WAIVERS FROM ANNUAL MAINTENANCE FEES

- § 3835.1 How do I qualify for a waiver?
- § 3835.10 How do I request a waiver?
- § 3835.11 What special filing and reporting requirements pertain to the different types of waivers?
- § 3835.12 What are my obligations once I receive a waiver?
- § 3835.13 How long do the waivers last and how do I renew them?
- § 3835.14 How do I submit a small miner waiver request for newly-recorded mining claims?
- § 3835.15 If I qualify as a small miner, how do I apply for a waiver if I paid the maintenance fee in the last assessment year?
- § 3835.16 If I am a qualified small miner and I obtained a waiver in one assessment year, what must I do if I want to pay the maintenance fee for the following assessment year?

How to file annual FLPMA documents (Affidavit of Assessment & Notice of Intent to Hold)

- § 3835.31 When do I file an annual FLPMA document?
- § 3835.32 What should I include when I submit an affidavit of assessment work?
- § 3835.33 What should I include when I submit a notice of intent to hold?

What is considered a defective annual filing?

- § 3835.91 What if I fail to file annual FLPMA documents?
- § 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?

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ANNUAL ASSESSMENT WORK REQUIREMENTS FOR MINING CLAIMS

- § 3836.11 What are the general requirements for performing assessment work?
- § 3836.12 What work qualifies as assessment work?
- § 3836.13 What are geological, geochemical, or geophysical surveys?
- § 3836.14 What other requirements must geological, geochemical, or geophysical surveys meet to qualify as assessment work?

3837

ACQUIRING A DELINQUENT CO-CLAIMANT'S INTERESTS IN A MINING CLAIM OR SITE

§ 3837.11 When may I acquire a delinquent co-claimant's interests in a mining claim or site?

§ 3837.21 How do I notify the delinquent co-claimant that I want to acquire his or her interests?

§ 3837.22 How long does a delinquent co-claimant have after notification to contribute a proportionate share of the assessment work, expenditures, or maintenance fees?

§ 3837.23 How do I notify BLM that I have acquired a delinquent co-claimant's interests in a mining claim or site?

§ 3837.24 What kind of evidence must I submit to BLM to show I have properly notified the delinquent co-claimant?

§ 3837.30 Disputes about acquiring a delinquent co-claimant's interests.

3838

SPECIAL PROCEDURES FOR LOCATING AND RECORDING MINING CLAIMS AND TUNNEL SITES ON STOCKRAISING HOMESTEAD ACT (SRHA) LANDS

§ 3838.1 What are SRHA lands?

§ 3838.2 How are SRHA lands different from other Federal lands?

§ 3838.10 - § 3838.14 Procedures for locating and recording on SRHA lands.

Are You Ready to Dig?

It's complicated.

When planning a trip to BLM Public Lands in Colorado, it is important to take all necessary safety precautions and to be aware of any related regulations. .

To ensure the safety of visitors and the protection of wildlife and the land, you should take into consideration the weather conditions, necessary equipment, the specific species inhabiting the area and any associated procedures that are recommended. It is also important to be familiar with regulations pertaining to the location you are visiting and with laws regarding the types of activity in which you are participating. There are a variety of regulations regarding trail designations, boating trips, hunting, rock collecting, cultural resources and other recreational opportunities.

A mining claimant without an approved Notice or Plan of Operations, is considered a visitor of the Public Lands and may occupy the land no longer than 14 days in any 90 day period within a 25 mile radius of the initially occupied site unless the BLM has concurred with a proposed extended Use and Occupancy request (43 CFR 3715).

The general rules for dispersed camping in undeveloped areas

- Whether in a developed campground or at a dispersed site, you may usually camp in an area for up to 14 days before having to move at least 25 miles from your original spot.
- You may not return to that area for 28 consecutive days.
- Choose sites that are already established.
- Camp at least 200 feet away from water sources.
- Use existing fire rings or camp stoves.
- Check current fire conditions.
- Dispose of human waste properly (away from water and in a 6" or deeper hole).

As a visitor of the Public Lands, knowing [The Seven Principles of Leave No Trace](#) ensures sustainable minimum impact practices that mitigate or avoid recreation related impacts to the lands. Each Principle covers a specific topic for minimizing impacts.

The Seven Principles

- Plan Ahead and Prepare
- Travel and Camp on Durable Surfaces
- Dispose of Waste Properly
- Leave What You Find
- Minimize Campfire Impacts
- Respect Wildlife
- Be Considerate of Other Visitors

Further, the use and occupancy will be different on US Forest Service lands. Any occupancy on the Public Lands longer than this allowable timeframe, for the purposes of conducting activities under the Mining Law, must be conducted under an approved Notice or a Plan of Operations with a concurrence for Use and Occupancy.

We ask you to follow a policy of [Treading Lightly!](#) By picking up litter, avoiding travel that could damage the land, observing signs and posted areas, leaving all gates as you found them, and asking permission to enter private lands, you will enhance the public's opportunity to enjoy these lands in the future. We hope you enjoy your camping experience on BLM lands.

The Federal agency who manages the surface where a mining claim is located will have policies and procedures applicable to any surface disturbing activity within their jurisdiction. You may not construct permanent structures, mobile structures, store equipment or vehicles or use unauthorized roads or trails without prior approval from the agency. Intermittent or casual mineral exploration and development does not normally justify the use of such structures or travel off designated routes or any rights to camping or occupancy beyond the time period allowed for the general public.

Mining on Federal land is also subject to local and state rules and regulations dealing with mining. The State of Colorado, Division of Reclamation, Mining, and Safety (DRMS) administers the state regulations, and coordinates education and training to ensure your safety while mining. If the State laws or regulations conflict with the BLM regulations regarding operations on Public Lands, you must follow the BLM regulations unless the State laws require a higher standard of protection for the Public Lands (43 CFR 3809.3).

The BLM is responsible for ensuring the prevention of unnecessary or undue degradation of Public Lands by operations authorized by the mining laws. Anyone intending to develop mineral resources on the Public Lands must prevent unnecessary or undue degradation of the land and reclaim disturbed sites (43 CFR 3809.1). The amount and type of disturbance created by the activities of an operator, or the cumulative disturbance caused by the proximity of several operators, ultimately determines how the BLM will classify and manage a particular activity.

BLM Colorado's Guide to Classifying Mining Operations

Important! Prior to beginning operations we strongly advise operators to contact the BLM Field Office with jurisdiction for the area where the operation is proposed to determine what classification your operation falls under. For operations conducted on United States Forest Service (USFS) land, you must contact the appropriate USFS office for regulations applicable to locatable mineral operations.

Classification of Operations

CASUAL USE

Casual use generally includes those activities which cause very little or no surface disturbance. For example: collection of geochemical, rock, soil, or mineral specimens using hand tools; hand panning; or non-motorized sluicing. It also generally includes use of metal detectors, gold spears and other battery-operated devices for sensing the presence of minerals, and hand and battery-operated dry washers. Operators may use motorized vehicles for casual use activities provided the use is consistent with the regulations governing such use (43 CFR 8340), including following off-road vehicle use designations and temporary closures ordered by BLM. You must reclaim any casual-use disturbance that you create. Casual use operations do not require notification of the BLM; except where (43 CFR 3809.31) the State Director has determined that the cumulative effects of casual use by individuals or groups have resulted in, or are reasonably expected to result in, more than negligible disturbance, occupancy is proposed in accordance with 43 CFR 3715, or proposed suction dredging operations are proposed on any lands or waters known to contain Federally proposed or listed threatened or endangered species or their proposed habitat. A financial warranty is not required for casual use activities.

NOTICE-LEVEL

Notice level operation, means any exploration operation that is motorized, mechanized, uses explosives, or is reasonably expected to result in greater land disturbance other than is caused by the ordinary, lawful use of the land by persons not prospecting. The operator will be required to provide a financial guarantee for reclamation costs of the exploration operations. A complete Notice for exploration must be filed with the appropriate BLM Field Office 15 days prior to commencing exploration activities, in accordance with 43 CFR 3809.21. In addition to BLM notice filing requirements, operators may be required to file a Notice of Intent to Conduct Prospecting Operations (NOI) with the Colorado Division of Reclamation, Mining and Safety (CODRMS) in accordance with the State of Colorado, Hard Rock/Metal Mining Rules and Regulations. A financial warranty must be supplied for all Notice level operations.

PLAN OF OPERATION

An approved Plan of Operations is required for exploration activities disturbing in excess of 5 acres, bulk sampling of 1,000 tons or more, and all proposed commercial mining or milling operations regardless of the acreage disturbed. A Plan is required for any operation causing surface disturbance greater than Casual Use in special status areas as defined in 43 CFR 3809.11. A financial warranty must be supplied for all plan level operations.

Suction Dredging on BLM - Colorado

If your operations involve the use of a suction dredge, the state may require authorization for its use. Operators must contact the BLM Field Office with jurisdiction over the land where the operation will take place prior to beginning such use to determine what classification the proposed operation falls under. There are BLM Field Office's in Colorado with designated areas for recreational placer mining. Please feel free to contact the appropriate field offices for specific locations and area requirements.

Additional Information:

Colorado statute requires both construction and hard rock operations to obtain a reclamation permit prior to engaging in a mining operation or an "authorization to proceed" prior to engaging in a prospecting operation. In addition, the state recently created a 110(1) hard rock reclamation permit for operations five (5) acres or less in size to facilitate smaller scale mining operations. Contact the Colorado Division of Reclamation, Mining and Safety (CDRMS) for additional information.

This information sheet is not a complete description of the regulations for mining operations on BLM lands. It is being provided to you for reference only. The official regulations for mining operations on BLM lands may be found at 43 CFR 3809 and 43 CFR 3715 for Use and Occupancy of mine sites.

Mining Operation Regulations

Federal Regulations for Mining Operations & Surface Management on BLM Land

3809 – Surface Management

What regulations apply to the operation of my mine?

§ 3809.10 How does BLM classify operations?

§ 3809.31 Are there any special situations that affect what submittals I must make before I conduct operations?

§ 3809.116 As a mining claimant or operator, what are my responsibilities under this subpart for my project area?

§ 3809.5 How does BLM define certain terms used in this subpart?

Do I also have to contact the State?

§ 3809.200 What kinds of agreements may BLM and a State make under this subpart?

§ 3809.201 What should these agreements address?

§ 3809.203 What are the limitations on BLM deferral to State regulation of operations?

What kind of paperwork is required before I begin mining?

§ 3809.11 When do I have to submit a plan of operations?

§ 3809.21 When do I have to submit a notice?

§ 3809.202 Under what conditions will BLM defer to State regulation of operations?

Notice Level Exploration Operations

§ 3809.301 Where do I file my notice and what information must I include in it?

§ 3809.312 When may I begin operations after filing a complete notice?

§ 3809.313 Under what circumstances may I not begin operations 15 calendar days after filing my notice?

Plan Level Exploration Operations

§ 3809.401 Where do I file my plan of operations and what information must I include with it?

§ 3809.415 How do I prevent unnecessary or undue degradation while conducting operations on Public Lands?

§ 3809.420 What performance standards apply to my notice or plan of operations?

Financial Guarantee for a Mining Exploration Operation

§ 3809.500 In general, what are BLM's financial guarantee requirements?

§ 3809.503 When must I provide a financial guarantee for my notice-level operations?

§ 3809.551 What are my choices for providing BLM with a financial guarantee?

§ 3809.552 What must my individual financial guarantee cover?

§ 3809.553 May I post a financial guarantee for a part of my operations?

§ 3809.555 What forms of individual financial guarantee are acceptable to BLM?

Inspection and Enforcement of a Mining Exploration Operation

§ 3809.600 With what frequency will BLM inspect my operations?

§ 3809.601 What types of enforcement action may BLM take if I do not meet the requirements of this subpart?

§ 3809.602 Can BLM revoke my plan of operations or nullify my notice?

§ 3809.603 How does BLM serve me with an enforcement action?

§ 3809.604 What happens if I do not comply with a BLM order?

What are Prohibited Acts?

§ 3809.605 What are prohibited acts under this subpart?

§ 3809.700 What criminal penalties apply to violations of this subpart?

§ 3809.701 What happens if I make false statements to BLM?

§ 3809.800 Who may appeal BLM decisions under this subpart?

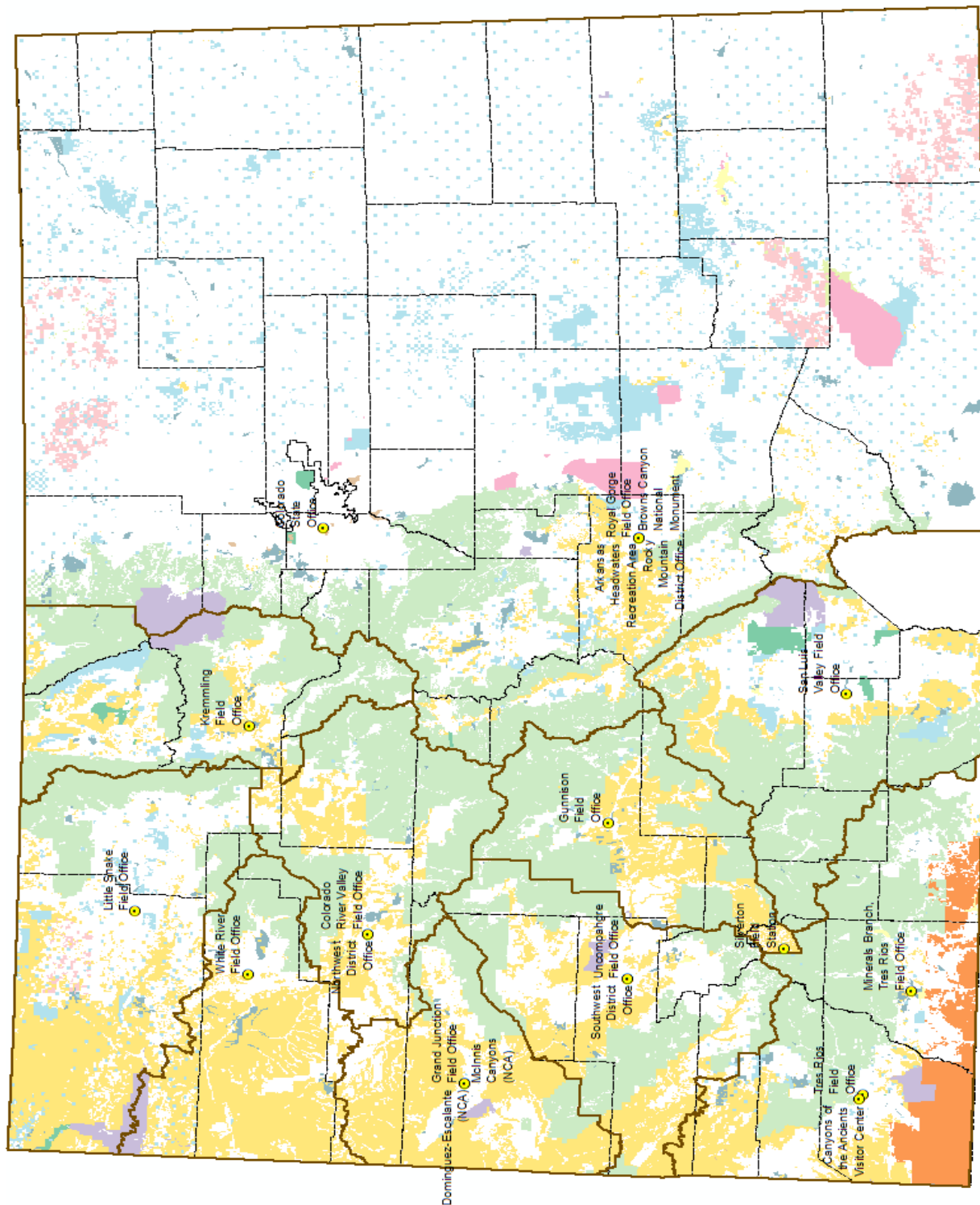
§ 3809.801 - § 3809.809 When may I file an appeal of the BLM decision with OHA?

Public Visits to Mines.

§ 3809.900 Will BLM allow the public to visit mines on Public Lands?

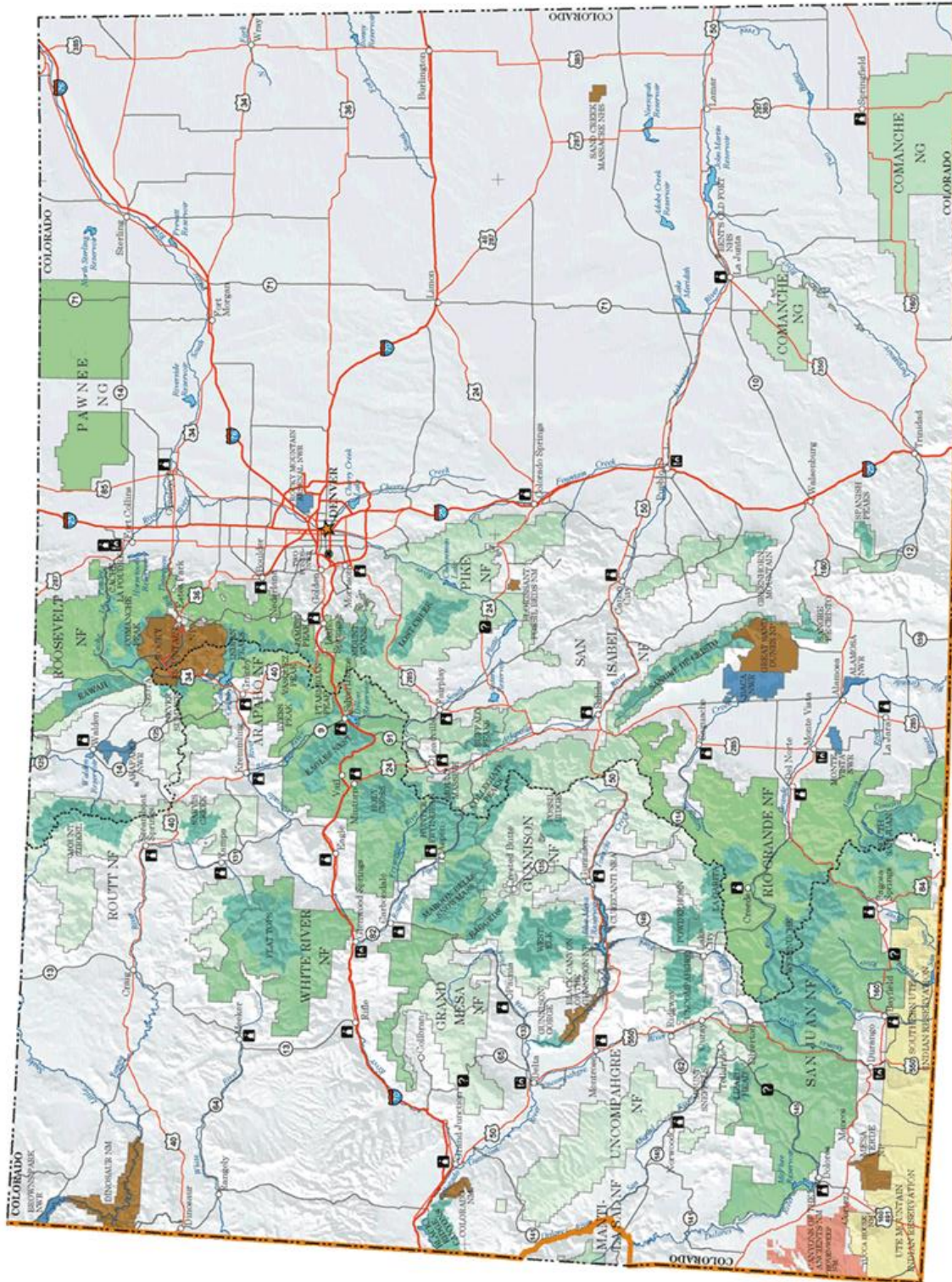
BLM Colorado Field Offices

BLM Colorado, Office Contact Information is at: <https://www.blm.gov/contact/colorado>



US Forest Service Rocky Mountain Region Colorado

US Forest Service Office Contact Information is at: <http://www.fs.fed.us/>



Buying a Mining Claim

Investigate before buying a mining claim from the internet. The BLM manages public lands to support many uses, including



mining claims and mineral extraction. You can file mining claims on any public lands that are open to mineral entry, and the law encourages you to explore and develop minerals in those areas. However, before buying an

unpatented mining claim from a private seller, make sure you understand what you are purchasing.

A Federal unpatented mining claim describes a parcel of federal land that may contain valuable minerals. Any prospective buyer should understand federal mining laws, including the rights and responsibilities of an unpatented mining claim.

Keep in mind the phrase "buyer beware" when deciding to purchase a mining claim via an internet site. Sellers may provide incomplete or incorrect information about the mining claim or what type of operation is allowable on the claim. Some mining claims contain residual hazardous materials that the seller may not disclose; a buyer could take on a long-term financial responsibility as a result. Old mine shafts and other workings can result in expensive safety and financial responsibilities for a buyer.

How can I find out more? For general questions about Federal unpatented mining claims, call the BLM Colorado State Office mining law division at 303-239-3782.

The BLM and Forest Service have local offices where you can ask questions and discuss your plans. We recommend you contact the local office of the agency that has jurisdiction over the area where the mining claim is located to discuss mining activities before you begin.

BLM/CO/GI-17/008

Colorado

BLM Field Offices

ROCKY MOUNTAIN DISTRICT

Gunnison Field Office
210 W. Spencer Ave.
Gunnison, CO 81230
970-642-4940

Royal Gorge Field Office
3028 E. Main St.
Canon City, CO 81212
719-269-8500

San Luis Valley Field Office
1313 E. Highway 160
Monte Vista, CO 81144
719-852-7074

NORTHWEST DISTRICT

Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652
970-876-9000

Kremmling Field Office
2103 E. Park Ave.
Kremmling, CO 80459
970-724-3000

Little Snake Field Office
455 Emerson St.
Craig, CO 81625
970-826-5000

White River Field Office
220 E. Market St.
Meeker, CO 81641
970-878-3800

SOUTHWEST DISTRICT OFFICE

Grand Junction Field Office
2815 H Road
Grand Junction, CO 81506
970-244-3000

Tres Rios Field Office
29211 Highway 184
Dolores, CO 81323
970-882-7296

Uncompahgre Field Office
2465 S. Townsend Ave.
Montrose, CO 81401
970-240-5300

U.S. Department of the Interior
Bureau of Land Management

Buying A Mining Claim

Important Information You Should Know



Important Information You Should Know

Is a Federal unpatented mining claim property?

Yes – An unpatented mining claim is a unique form of property. Your right to the property is restricted to exploration, development and extraction of a mineral deposit at the site. The surface of almost all unpatented mining claims is not private property; the ownership and management of the surface and surface resources remains with the United States.

Should the mining claim's boundaries and discovery point be visible if I am in the area of the claim?

Yes – Although there may be mining claims in which the paperwork to locate is filed but no monuments are placed on the ground, federal regulations require mining claims to have four corner post monuments and to follow state monumenting requirements. Also, a notice of monument must be posted at the discovery point using a visible monument. The discovery point or a claim corner should be tied to a well-known, permanent object or surveyed corner near the mining claim.

Where should a Federal unpatented mining claim be on record? As a basic precautionary standard, the seller of a Federal unpatented mining claim should provide you with an official BLM claim serial number and proof that the mining claim has been properly recorded in the county and with the BLM. Mining claims that are not recorded with the BLM do not give you any rights to federal minerals. Federal unpatented mining claims may be either active or closed on BLM records. A closed mining claim gives you no rights.

BLM records for mining claims are available on LR2000, an online database that tracks BLM records, or by viewing the case files at the BLM Colorado State Office. You may contact the BLM at any time to inquire about the status of a mining claim.

If I have an active mining claim and someone else locates a claim on the same area, do I get a refund?

No – The BLM does not refund money or notify mining claimants of boundary conflicts between Federal unpatented mining claims. All issues between claimants are civil matters. We strongly recommend you research the area prior to filing a mining claim.

If the BLM determines a claim I purchased from a private seller is on lands closed to mineral entry, do I get a refund? No – If you purchase a mining claim before an official land status review is complete, the BLM may determine the claim is on land closed to mineral entry and that a refund is due. The BLM will refund the location fee and any maintenance fees to the person or company who paid the fees. Money exchanged between private parties is a civil matter.

If I purchase a Federal unpatented mining claim, do I have rights to any equipment or structures abandoned on the mining claim? No – Abandoned structures and equipment are not part of a new Federal unpatented mining claim. Once left on an abandoned mining claim, structures and equipment become federal property, and a mining claim does not confer any private property rights to these items. If a mining claimant placed the structures and equipment on the site, you may purchase them with the mining claim. As always, the buyer must take the responsibilities and liabilities that come with the purchase. It's important that you confirm that the person offering to sell the equipment and structures to you has the legal right to do so.

Can I construct buildings on my Federal unpatented mining claim? Yes – but with limits. Federal unpatented mining claims only give you rights to the location's minerals. Surface disturbance such as construction of a building, road, fence or enclosure necessary for mining must be authorized by the BLM or Forest Service before you start constructing anything. There may be penalties for beginning work without prior approval.

Can the government take possession of my mining claim and minerals with no warning? Yes – Owning a federal unpatented mining claim is not like owning private property. As an owner of an active Federal unpatented mining claim, you have exclusive rights to explore and extract the minerals within its boundary from the date you located the mining claim as long as the claim remains active. The government can examine your claim at any time to determine if you have valid existing rights. If you have these rights, the government must recognize these rights and allow you to continue mining or purchase these rights.

Do I have the right to keep the government and public out of my mining claim? No – a mining claim absolutely does not give you any rights to exclude public

land users from the land. The public has the conditional right to cross mining claims or sites for recreational and other purposes and to access federal lands beyond the claim boundaries. The public may not interfere with exploration or mining activities. Activities that require fencing or the exclusion of the public for legitimate safety reasons may be approved by agencies like the BLM, the Forest Service, the Mine Safety and Health Administration or state mine safety agencies.

Can I camp on my unpatented mining claim? Yes – Recreational camping is usually allowed on public lands; you can camp if the area is open to camping. As a mining claimant, you may have the right for extended occupancy on public lands if it is approved by federal land managers. Check with the local BLM or Forest Service office for specific regulations if your mining operation will require you to camp for an extended period of time or occupy an area closed to camping.

To occupy public lands for more than 14 days in any 90 day period, a mining claimant or operator must be carrying out approved activities; work on these activities regularly; conduct activities related to mineral extraction; perform verifiable on-the-ground activities; and use appropriate and operable equipment that is subject to reasonable assembly, maintenance, repair or construction of replacement parts. The claimant must meet all five of these requirements to occupy a claim or site.

How do I find out what I can do on my mining claim? If your claim is on BLM-managed lands, you can find out what you can and can't do in the regulations in 43 CFR 371.5 and 3809. If your mining claim is on Forest Service land, you can find more information in the regulations in 36 CFR 228 Part A.

Most federal agencies have regulations to protect the surface resources of federal lands during exploration and mining activities. You must submit a notice or plan of operations before conducting surface-disturbing activities, except casual-use activities. You must also reclaim disturbed sites after you complete exploration and mining.

You may need to contact other management agencies for additional regulations. State and local governments may have mining and reclamation requirements, as well. You should check with all federal, state and local agencies for complete regulations. We advise mining claimants to be fully informed of all regulations regarding their mining claim.

Help Eliminate Hazards to Birds and Other Wildlife



Cactus Wren © Mark Wagner/Wikipedia (Creative Commons Attribution 2.5 license)



Western Meadowlark



Western Flycatcher



Mountain Bluebird



Ladder-backed Woodpecker

BLM WO/GI-13001+3800+REV15
P-470

**Request to
Mining Claimants
on Federal Land**

**Help Eliminate
Hazards to Birds
and Other Wildlife**









A Student Conservation Association volunteer pulls a PVC mining claim marker on Nevada public lands in July 2012.



This dead mountain bluebird was found in a PVC mining claim marker in late November 2011 near Virginia City, Nevada. A law in Nevada enables anyone to pull up claim marker stakes that are improperly set.

Open-Pipe Mining Claim Markers Pose a Threat to Birds and Other Wildlife

Open-pipe mining claim markers, such as polyvinyl chloride (PVC) pipes, can be lethal to migratory birds and other wildlife. Small animals, particularly birds, mistake the openings of these markers as hollow areas suitable for roosting, nesting, or a way to gather together to pool body heat. Once inside, these animals become trapped by the smooth, narrow wall of the pipe, which prevents them from grappling their way back up or extending their wings to fly out. Death from dehydration or starvation follows. Cactus wrens, mountain bluebirds, western meadowlarks, flycatchers, and woodpeckers have all been found within open-pipe mining claim markers. While not all mine claims are marked with pipes, the existing open-pipe markers pose a threat to birds and other wildlife in many states.

Replace Markers to Prevent Unnecessary Deaths of Birds and Other Wildlife

The BLM and its partners request the help of mining claimants to prevent the death of wildlife, including some birds that are protected by the Migratory Bird

Treaty Act. You can prevent unnecessary deaths of birds and other wildlife by removing, replacing, or remediating all open-pipe markers on your active mining claim or site. Even if you did not use open-pipe markers to locate your mining claim or site, these markers may have been left on your claim by previous mining claimants.

What You Can Do to Help

- **REPLACE** all open or PVC pipes marking your active mining claim or site with wildlife-safe markers. All of the markers in Figure 1 are wildlife-safe. Be sure to consult state law to verify which wildlife-safe markers are allowable where your mining claim or site is located.
- **REMEDiate** open-pipe markers, if immediate replacement is not possible and your state still allows this type of marker. To remediate open-pipe markers and reduce the chances of wildlife deaths, fill or plug the open pipe or firmly cement a cap on the end.
- **REMOVE** and properly dispose of any open-pipe markers on your claim or site left by previous mining claimants.

Thank you for your help in our effort to reduce the number of unnecessary bird and other wildlife deaths.

For more information, please visit <http://www.blm.gov/rkd>.

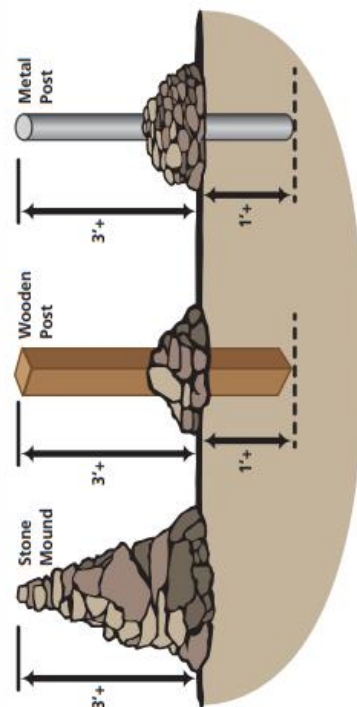


Figure 1. Stone mounds; wooden posts; and solid, capped, or crimped metal posts are wildlife-safe. Consult state law to make sure your wildlife-safe marker complies with the posting requirements in your jurisdiction.

BLM Colorado Mining Claim Packet

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Dockets Library: 303-239-3615

The Public Room Contact Representatives are available to help with mining claim questions.

The Dockets Library staff are not trained to help with mining claim questions, they will fill orders for copies from the official case files.



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