

Transfer of Interest and New Mining Claim Scenarios

Scenario 1: Miner 1 files a transfer of interest for two mining claims, Claims 4 & 5, at the BLM during the current 2011 assessment year. Claims 4 & 5 being transferred to Miner 1 are held by the previous owner under a 2011 waiver. Miner 1 owns three additional claims, Claims 1, 2, and 3, which are held under a 2011 assessment year waiver. After recording the transfer, Miner 1 owns five claims and is still qualified to hold all the claims under a waiver. No maintenance fees are due.

Scenario 2: Miner 1 acquires six more claims, Claims 6 through 11, during the 2011 assessment year. Claims 6 through 11 being transferred to Miner 1 were not held under a waiver as the maintenance fees were paid for the 2011 assessment year. However, acquiring Claims 6 through 11 puts Miner 1 over the 10-claim limit. Therefore, Claims 1 through 5, currently held by Miner 1 under a 2011 assessment year waiver, can no longer be held under a waiver since Miner 1 no longer qualifies as a small miner. Accordingly, the adjudicator issues a Decision to Miner 1 informing him that he no longer qualifies for a waiver and requests payment of the 2011 maintenance fees for Claims 1 through 5 on or before September 1, 2011. Additionally, in the Decision, the adjudicator will remind Miner 1 he will also have to pay maintenance fees for the 2012 assessment year on or before September 1, 2011, for **all** the claims, unless by September 1, 2011, he no longer exceeds the 10- claim limit.

Scenario 3: While adjudicating the transfer for Miner 1 in Scenario 2, the adjudicator sees that Claims 1 & 2 have a co-locator, Miner 2, who has two additional claims, Claims A and B, separate from the ones co-owned with Miner 1. Claims A and B are held under a 2011 assessment year waiver. Even though Miner 2 only owns or co-owns four claims (Claims 1 & 2 and Claims A and B), because Miner 1 no longer is qualified for the waiver, Miner 2 is also no longer qualified since **all** owners and co-owners must qualify. In addition to the Decision being issued to collect 2011 maintenance fees for Claims 1 through 5, a separate Decision should be issued to Miner 2 to pay 2011 maintenance fees for Claims A and B on or before September 1, 2011. Additionally, since Miner 2 is a co-claimant with Miner 1 and he no longer qualifies for a waiver, Miner 2 will have to pay 2012 maintenance fees for Claims A and B on or before September 1, 2011, unless Miner 1 no longer owns more than 10 claims by September 1, 2011, and again qualifies for a waiver.

New Mining Claim Location Scenarios

Scenario 1: Adam Fisher files a new notice of location for the Fisher #6 on January 3, 2011. The adjudicator processing the new location for the Fisher #6 runs a 10-claim check in Legacy Rehost System 2000 (LR2000) for Adam Fisher and sees that Mr. Fisher already owns five mining claims, the Fisher #1 through #5. The adjudicator checks those claims and finds that those claims are held under a 2011 assessment year waiver. Mr. Fisher now owns six mining claims and is still under the 10-claim limit and, therefore, still qualifies for the waiver.

Scenario 2: On January 6, 2011, Mr. Fisher files new location notices for the Fisher #7 through #11 mining claims. The adjudicator processing these new location notices runs a 10-claim check in LR2000 for Mr. Fisher and sees he already owns six mining claims, the Fisher #1 through #6. The adjudicator checks the case files and sees that all the claims are being held under a current assessment year 2011 waiver. Since Mr. Fisher now owns 11 claims, he no longer qualifies for the waiver. The adjudicator must write a Decision to Mr. Fisher requesting current year 2011 maintenance fees for the Fisher #1 through #5 to be paid on or before September 1, 2011. Mr. Fisher already had paid current year maintenance fees for 2011 for Fisher # 6 through # 11 when he filed the new locations. The adjudicator also reminds Mr. Fisher that 2012 maintenance fee payments are required for all the claims on or before September 1, 2011, unless Mr. Fisher is under the 10-claim limit by that date.

Scenario 3: On September 13, 2011, BLM receives a location notice for the Wonderful #11 mining claim from Amy Thomas. The date of location for the Wonderful #11 is August 10, 2011. The adjudicator processing the Wonderful #11 new location realizes this is a “bridge claim” and that the claimant also owes 2011 maintenance fees in addition to 2012 maintenance fees since the claim was located in assessment year 2011 and filed at the BLM in assessment year 2012. The adjudicator verifies Ms. Thomas paid all the money due for the new location, including both maintenance fee payments. The adjudicator also runs a 10-claim check on Ms. Thomas and sees that she also owns the Wonderful #1 through #10 mining claims. The adjudicator checks the case file and sees that Ms. Thomas had timely filed a maintenance fee waiver on the Wonderful #1 through #10 claims for assessment year 2012.

Since the Wonderful #11 was actually located prior to September 1, 2011, even though it wasn't received for recordation at the BLM until after that date, Ms. Thomas actually owned more than 10 claims on or before September 1, 2011. Therefore, Ms. Thomas was not qualified to file a waiver for assessment year 2012 and should have paid maintenance fees for the Wonderful #1 through #10 claims. Accordingly, the adjudicator must issue a Decision to Ms. Thomas notifying her that the Wonderful #1 through #10 claims are declared forfeited since she did not qualify to file a waiver for the 2012 assessment year and she did not pay maintenance fees on or before September 1, 2011 for those claims.