

### **Attachment 3:**

### **Summary of Relevant State Laws regarding Mining Claim Monumentation**

*All emphasis has been added*

#### **ALASKA**

#### **Alaska statutes do not specifically prohibit open PVC pipe.**

Alaska Statutes– Sec. 27.10.030. Manner of Designating a Lode Claim Location.

The discoverer of a lode claim shall designate the location as follows:

- (1) by posting at the northeast corner of the claim a plain sign or notice containing
  - (A) the name of the lode claim;
  - (B) the name of the locator or locators;
  - (C) the date of the location;
  - (D) the approximate bearings of corners and angle posts of the claim and the distances between them; and
- (2) by erecting at each corner or angle of the claim substantial monuments of stone or setting posts, not less than three feet in height nor less than three inches in diameter hewn, and marked with the name of the claim, the position or number of the monument, and the direction of the boundary lines and by cutting out, blazing, or marking the boundary lines so that they can be readily traced; where it is impracticable to place a monument in its true position, a witness monument shall be erected and marked to indicate the true position of the corner or angle.

Alaska Statutes– Sec. 27.10.040. Manner of designating a placer claim location.

The discoverer of a placer claim shall designate the location as follows:

- (1) by posting on one of the posts or monuments marking the boundaries of the claim a plain sign or notice containing
  - (A) the name or number of the claim;
  - (B) the name of the locator or locators;
  - (C) the date of the location;
  - (D) the number in feet in length and width claimed; and
- (2) by erecting at each corner or angle of the claim substantial monuments or posts not less than three feet in height nor less than three inches in diameter, hewn and marked with the name of the claim, the position or number of the monument, and the direction of the boundary lines and by cutting out, blazing, or marking the boundary lines so that they can be readily traced.

#### **ARIZONA**

#### **Arizona statutes do not specifically prohibit open PVC pipe.**

Arizona Revised Statutes– Sec. 27-204. Monumenting lode claims.

The boundaries of a lode claim shall be monumented by six substantial posts projecting at least four feet above the surface of the ground, or by substantial stone monuments at least three feet high, one at each corner of the claim and one at the center of each end line of a lode claim. Substantial posts may be of any material as may be readily distinguished as monuments and shall be not less than one and one-half inches in cross section. Each

monument erected by the locator shall be marked to identify the corner or end center of the claim or claims for which it was erected.

Arizona Revised Statutes – Sec. 27-205. Locating and monumenting placer and millsite claims.

The locator of a placer mining or millsite claim shall locate the claim in the same manner as prescribed for a lode claim, except that:

1. The location notice shall be posted on a separate monument at one corner of the claim within the boundaries of the claim.
2. Only the corners or angle points of the claim must be monumented.

## **CALIFORNIA**

**California statutes require removal and replacement of any marker not explicitly allowed in Section 3915(a) by January 1, 1995.**

California Public Resources Code– Sec. 3915.

(a) The following are the only monuments which may be used pursuant to this chapter:

1. A wooden post not less than 1-1/2 inches in diameter projecting at least two feet above the ground.
2. A mound of stone projecting at least two feet above the ground.
3. A nonperforated, capped metal post or solid metal rod, not less than one inch in diameter and projecting at least two feet above the ground.

(b) Where by reason of precipitous ground, it is impractical or dangerous to place a monument in its true position; a witness monument may be erected as near thereto as the nature of the ground will permit and make so as to identify the true position.

(c) Where, by reason of working the claim, it is impractical or dangerous to maintain a monument in its true position, a witness monument shall be erected as near there thereto as the nature of the ground will permit and marked so a to identify the true position.

(d) Any person using on January 1, 1992, or who has previously erected any monument or object other than those defined in this section for the purpose of this chapter shall have until January 1, 1995, to comply with this section or remove those monuments which are not in compliance.

(e) Within 180 days of abandonment, relinquishment, or loss of a claim, in effect on January 1, 1992, all monuments pertaining to a claim shall be permanently removed by the locator. A person who violates this subdivision shall be subject to a fine of not more than fifty dollars (\$50) for each monument which is not removed and additionally liable for any cost incurred by the federal, state, or county government agency which removes any monument or has it removed.

## **COLORADO**

**Colorado statutes do not specifically prohibit open PVC pipe.**

Colorado Revised Statutes– Sec. 34-43-107. Marking boundaries.

Such surface boundaries shall be marked by six substantial posts hewed or marked on the sides which are in toward the claim, and sunk in the ground, one at each corner and one at the center of each side line. Where it is practically impossible on account of bedrock to sink such posts, they may be placed in a pile of stones, and where in marking the surface

boundaries of a claim any one or more of such posts fall by right upon precipitous ground where the proper placing of it is impractical or dangerous to life or limb, it shall be legal and valid to place any such post at the nearest practicable point, suitably marked, to designate the proper place.

## **IDAHO**

### **Idaho Statutes do not specifically prohibit open PVC pipe.**

Idaho Statutes– Sec. 47-602. Method of Locating Mining Claim.

The locator of a mining claim must at the time of making his location designate his claim by posting at one (1) corner of the claim his notice of location in writing in which there shall be stated:

1. The name of the locator or locators.
2. The name of the claim and whether located as a lode mining claim or as a placer mining claim.
3. The date of the location and the mining district, if any, and the county in which the claim is located.
4. The directions and distances which describe the claim.
5. The direction and distance from the corner where notice is posted to such natural object or permanent monument, if any such there be, as will fix and describe in the notice itself the site of the claim.

Before recording his notice of location, the locator must mark the boundaries of his mining claim by placing at each corner or angle of the claim a substantial monument or a post at least four (4) feet in height and four (4) inches square or in diameter. Each post and monument shall be marked with the name of the claim, the position or number of the corner or angle and the direction of the boundary lines. The locator shall mark the boundary lines so that they can be readily traced. Where it is impracticable to place a monument or post in its true position, a witness monument shall be erected and marked to indicate the true position of the corner or angle.

## **MONTANA**

### **Montana Statutes do not specifically prohibit open PVC pipe.**

Montana Code Sec. 82-2-101. Manner of locating claim.

A person who discovers upon the public domain of the United States, within the state of Montana, a vein, lode, or ledge of rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits or a placer deposit of gold or other deposit of minerals having a commercial value that is subject to entry and patent under the mining laws of the United States may, if qualified by the laws of the United States, locate a mining claim upon the vein, lode, ledge, or deposit in the following manner:

- (1) The person shall post conspicuously at the point of discovery a written or printed notice of location containing the name of the claim, the name of the locator or locators, if there is more than one, the date of the location, which must be the date of posting the notice, and the approximate dimensions of the area of the claim intended to be appropriated.

(2) Within 30 days after posting the notice of location, the person shall distinctly mark the location on the ground so that its boundaries can be readily traced. It is prima facie evidence that the location is properly marked if the boundaries are defined by a monument at each corner or angle of the claim, consisting of any one of the following kinds:

(a) a tree at least 8 inches in diameter and blazed on four sides;

(b) a post at least 4 inches square by 4 feet 6 inches in length, set 1 foot in the ground, unless solid rock should occur at a less depth, in which case the post should be set upon the rock and surrounded in all cases by a mound of earth or stone at least 4 feet in diameter by 2 feet in height. A squared stump of the requisite size, surrounded by a mound, must be considered the equivalent of a post and mound.

(c) a stone at least 6 inches square by 18 inches in length, set two-thirds of its length in the ground, with a mound of earth or stone alongside at least 4 feet in diameter by 2 feet in height; or

(d) a boulder at least 3 feet above the natural surface of the ground on the upper side.

When other monuments or monuments of lesser dimensions than those described in subsections (2)(a) through (2)(c) are used, it is a question for the jury or for the court where the action is tried without a jury as to whether the location has been marked upon the ground so that its boundaries can be readily traced. Whatever monument is used, it must be marked with the name of the claim and the designation of the corner, either by number or cardinal point.

(3) Within 60 days after posting notice, the locator shall comply with the United States mining laws.

## **NEVADA**

**Nevada Statutes specifically prohibit open PVC pipe. They also require replacement (by the locator or the locator's successor in interest) of open PVC pipes with only those monuments allowed in in the statutes by November 1, 2011. After November 1, 2011, PVC pipe monuments may be removed and placed on the ground immediately adjacent to the location from which it is removed.**

Nevada Revised Statutes Sec. 517.030. Monumenting of claim; required removal of plastic monuments.

1. Within 60 days after posting the notice of location, the locator of a lode mining claim shall distinctly define the boundaries of the claim by placing a valid legal monument at each corner of the claim. A valid legal monument may be created by:

(a) Blazing and marking a tree, which has a diameter of not less than 4 inches, not less than 3 feet above the ground;

(b) Capping a rock in place with smaller stones so that the rock and stones have a height of not less than 3 feet; or

(c) Setting a wooden or metal post or a stone.

2. If a wooden post is used, the dimensions of the post must be at least 1 1/2 inches by 1 1/2 inches by 4 feet, and the post must be set 1 foot in the ground.

3. If a metal post is used, the post must be at least 2 inches in diameter by 4 feet in length and be set 1 foot in the ground. If the metal post is hollow, it must:

- (a) Be securely capped or crimped in a manner that securely closes the top of the post;  
and
- (b) Have no open perforations.
- 4. If it is practically impossible, because of bedrock or precipitous ground, to sink a post, it may be placed in a mound of earth or stones. If the proper placing of a monument is impracticable or dangerous to life or limb, the monument may be placed at the nearest point properly marked to designate its right place.
- 5. If a stone is used which is not a rock in place, the stone must be not less than 6 inches in diameter and 18 inches in length and be set with two-thirds of its length in the top of a mound of earth or stone 3 feet in diameter and 2 1/2 feet in height.
- 6. Except as otherwise provided in subsection 7, a durable plastic pipe that was set before March 16, 1993, for the purpose of defining the boundaries of a lode mining claim shall be deemed to constitute a valid legal monument if:
  - (a) The pipe is at least 3 inches in diameter by 4 feet in length and is set 1 foot in the ground; and
  - (b) The pipe is securely capped with no open perforations.
- 7. The locator of a lode mining claim located before March 16, 1993, the boundaries of which are defined by a durable plastic pipe described in subsection 6, or the locator's successor in interest, shall, on or before November 1, 2011, remove the durable plastic pipe and replace the monument of location and the corner monuments with valid legal monuments in the manner prescribed pursuant to subsection 1. If the locator or the locator's successor in interest replaces the durable plastic pipe on or before that date, the locator or the locator's successor in interest shall, within 60 days after the replacement, record a notice of remonumentation with the county recorder of the county in which the claim is located and pay the fee required by NRS 247.305. The notice must contain:
  - (a) The name of the claim;
  - (b) The book and page number or the document number of the certificate of location or the most recent amendment to the certificate of location;
  - (c) The book and page number or the document number of the map filed pursuant to NRS 517.040; and
  - (d) A description of the monument used to replace each monument that is removed.The notice may include more than one claim. Any durable plastic pipe that is removed pursuant to this subsection must be taken from the lode mining claim and disposed of in a lawful manner.
- 8. After November 1, 2011, any durable plastic pipe that is not removed pursuant to subsection 7 may be removed and placed on the ground immediately adjacent to the location from which it is removed to preserve evidence of its use as a monument for the lode mining claim.
- 9. The replacement of a durable plastic pipe or the recording of a notice pursuant to subsection 7 does not:
  - (a) Amend or otherwise affect the legal validity of the claim for which the monuments were created;
  - (b) Modify the date of location of the claim; or
  - (c) Require the filing of an additional or amended map pursuant to NRS 517.040.

**New Mexico Statutes do not specifically prohibit open PVC pipe.**

New Mexico Statutes Sec. 69-3-10. [Boundary posts.]

The surface boundaries of mining claims hereafter [hereafter] located shall be marked by four substantial posts or monuments, one at each corner of such claim, so as to distinctly mark the claim on the ground, so that its boundaries can be readily traced, and shall otherwise conform to Section 69-3-1 NMSA 1978.

**OREGON**

**Oregon Statutes do not specifically prohibit open PVC pipe, however naturally occurring materials must be used when existing monuments require replacement. Oregon Statutes require removal of monuments when the claim is declared invalid by the BLM.**

Oregon Revised Statutes Sec. 517.010. Location of mining claims upon veins or lodes

(1) Any person, a citizen of the United States, or one who has declared an intention to become such, who discovers a vein or lode of mineral-bearing rock in place upon the unappropriated public domain of the United States within this state, may locate a claim upon such vein or lode by posting thereon a notice of such discovery and location. The notice shall contain:

- (a) The name of the lode or claim.
- (b) The names of the locators.
- (c) The date of the location.

(d) The number of linear feet claimed along the vein or lode each way from the point of discovery, with the width on each side of the lode or vein.

(e) The general course or strike of the vein or lode as nearly as may be, with reference to some natural object or permanent monument in the vicinity, and by defining the boundaries upon the surface of each claim so that the same may be readily traced.

(2)(a) Such boundaries shall be marked within 30 days after posting of such notice by four substantial posts, projecting not less than three feet above the surface of the ground, and made of wood measuring not less than one and one-half inch by one and one-half inch, or by substantial mounds of stone, or earth and stone, at least two feet in height, one such post or mound of rock at each corner of such claims.

(b) During the course of normal maintenance of the claim location posts or monuments, any post that requires replacement and is not constructed of naturally occurring materials shall be replaced by posts that are made of wood measuring not less than one and one-half inch by one and one-half inch on a side and that project not less than three feet above the surface of the ground.

(3) At such time as any lode mining claim is declared invalid by the United States Department of the Interior, Bureau of Land Management or is otherwise dropped by the last claim holder of record without transfer through lease or sale to another person, all claim location posts not made of natural materials shall be removed from the public domain of the United States and at the same time any post made of natural materials shall be removed or dismantled.

**UTAH**

**Utah Statutes do not specifically prohibit open PVC pipe.**

Utah Code Sec. 40-1-3. Boundaries to be marked.

Mining claims and mill sites must be distinctly marked on the ground so that the boundaries thereof can be readily traced.

## **WASHINGTON**

**Washington Statutes do not specifically prohibit open PVC pipe.**

Revised Code of Washington Sec. 78.08.060 Staking of claim — Requisites — Right of person diligently engaged in search.

(1) Before filing such notice for record, the discoverer shall locate his or her claim by posting at the discovery at the time of discovery a notice containing the name of the lode, the name of the locator or locators, and the date of discovery, and marking the surface boundaries of the claim by placing substantial posts or stone monuments bearing the name of the lode and date of location; one post or monument must appear at each corner of such claim; such posts or monuments must be not less than three feet high; if posts are used they shall be not less than four inches in diameter and shall be set in the ground in a substantial manner. If any such claim be located on ground that is covered wholly or in part with brush or trees, such brush shall be cut and trees be marked or blazed along the lines of such claim to indicate the location of such lines.

## **WYOMING**

**Wyoming Statutes do not specifically prohibit open PVC pipe.**

Wyoming Statutes Sec. 30-1-103. Prerequisites to filing location certificates.

(a) Before the filing of a location certificate in the office of the county clerk, the discoverer of any lode, vein or fissure shall designate the location thereof as follows:

(i) Repealed by Laws 1981, ch. 91, 2.

(ii) By posting at the point of discovery, on the surface, a plain sign or notice, containing the name of the lode or claim, the name of the discoverer and locator, and the date of such discovery;

(iii) By marking the surface boundaries of the claim, which shall be marked by six (6) substantial monuments of stone or posts, hewed or marked on the side or sides, which face is toward the claim, and sunk in the ground, one (1) at each corner, and one (1) at the center of each side line, and when thus marking the boundaries of a claim, if any one (1) or more of such posts or monuments of stone shall fall, by necessity, upon precipitous ground, when the proper placing of it is impracticable or dangerous to life or limb, it shall be lawful to place any such post or monument of stone at the nearest point properly marked to designate its right place; provided, that no right to such lode or claim or its possession or enjoyment, shall be given to any person or persons, unless such person or persons shall discover in said claim mineral bearing rock in place.