

SMALL MINER WAIVER INFORMATION

1. **CURRENT FORMS.** Please use the most current waiver form for future filings. You can check on our website, blm.gov/az for the most current form. You should also use a current form for your Affidavit of Labor.
2. **FILING REQUIREMENTS.** Please keep in mind the requirements to qualify for a small miner waiver.
 - a) You are certifying when you sign the waiver that you and all related parties hold no more than a total of 10 mining claims or sites nationwide. "Related Parties" means a) the spouse and dependent children of the claimant or; b) a person who controls, is controlled by, or is under common control with the claimant.
 - b) **NEW - If you file a waiver, you must continue to own or control 10 or less claims during the entire assessment year. If at any time during the year you locate or acquire additional claims that put you over the 10 claim limit, your waiver is immediately canceled and you must pay the maintenance fees for the claims on the waiver.**
 - c) It is fraud against the Government to file a waiver you do not qualify for. As stated on the waiver you sign, the filing or recording of a false, fictitious, or fraudulent document with the Bureau of Land Management may result in a fine of up to \$250,000, a prison term not to exceed five years, or both.
3. **FILLING OUT THE WAIVER FORM CORRECTLY.** All waiver requests must include:
 - a) The names and current addresses of all claimants.
 - b) The original signatures of all claimants or original signature of the authorized agent.
 - c) The names and BLM serial numbers of the mining claims for which you are requesting a waiver.
 - d) The assessment year for which you are seeking a waiver.
 - e) If you are signing as an agent you **must** still include all names and addresses of all claim owners on the form; sign next to each name and indicate that you are signing on their behalf as an agent; provide a Power of Attorney for each claimant you sign on behalf of.
 - f) If you are signing on behalf of a company, enter the company name and address; sign your name and indicate in what capacity you are signing, i.e. President, Vice President, etc.
4. **SWITCHING BETWEEN WAIVER AND MAINTENANCE FEE/TRANSFERRING CLAIMS UNDER A WAIVER.**

Be very careful if switching between a waiver and maintenance fee, and when transferring a claim that is under a waiver.

 - a) If it is the first time you file a waiver, you must file a Notice of Intent to Hold, on or before December 30 immediately following the filing of the waiver. AND, you must also file an Affidavit of Labor on or before the following December 30.
 - b) If you filed a waiver for the current assessment year and then choose to file a maintenance fee the next year, you **MUST STILL** file the Affidavit of Labor by December 30. **Example:** On or before September 1, 2008, you filed a waiver for the 2009 assessment year. Then on or before September 1, 2009, you pay the maintenance fee for the 2010 assessment year. You **MUST STILL** file the Affidavit on or before December 30, 2009, for the 2009 assessment year to fulfill the waiver you filed. Paying your maintenance fee on or before September 1, 2009, for the 2010 assessment year does not alleviate this requirement.
 - c) If you transfer ownership of a mining claim that is under a waiver for the current assessment year be sure to inform the new owner of the requirement to file the Affidavit of Labor for that assessment year. This requirement does not go away because you transferred the claim.
 - d) If you transfer ownership of a mining claim that is under a waiver for the current assessment year and the new owner does not qualify for a small miner waiver, the waiver is immediately cancelled and the new owner must pay the maintenance fee for that year prior to the upcoming September 1. They must also pay the maintenance fee for the new assessment year that begins on September 1.