

2014 Mining Claim Workshop

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***Maintenance
Fee Waiver
Certification***

***Annual FLPMA Documents
Affidavit of Annual Assessment Work
&
Notice of Intent to Hold***



Maintenance Fee Waiver
Certification
a.k.a
Small Miner's Exemption
43 CFR 3835

Qualifications: You and all related parties must hold no more than 10 mining claims or sites **nationwide**, and all co-claimants must also meet this requirement.

THERE IS NO FEE TO FILE A WAIVER



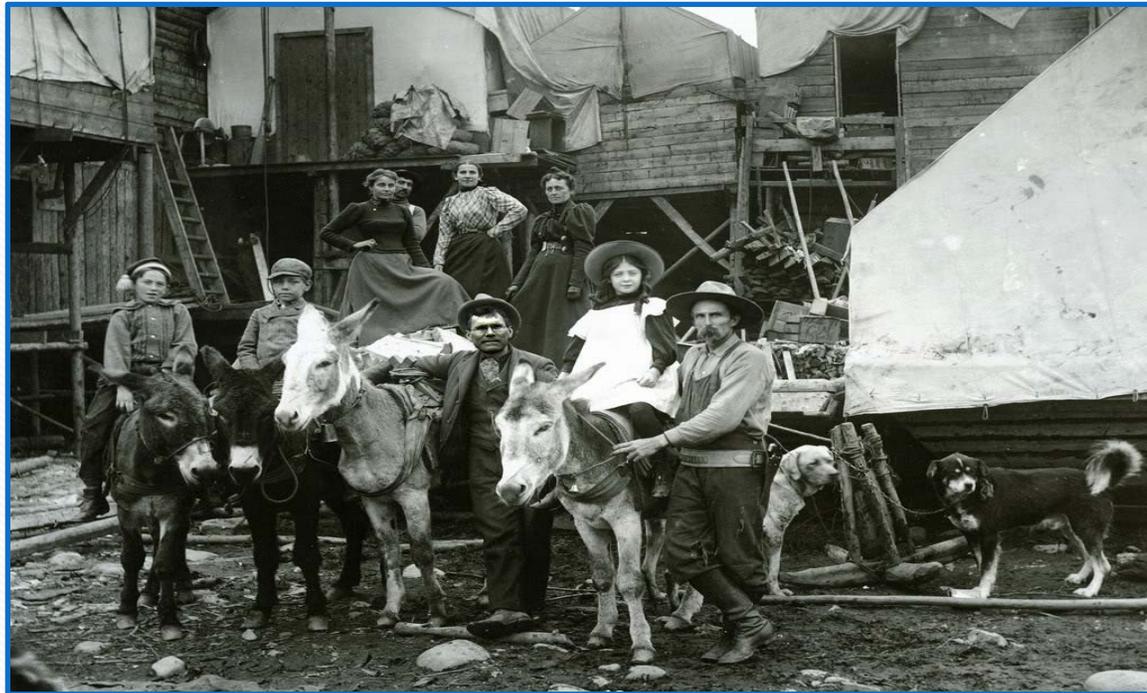
THE MAINTENANCE FEE

- The Annual Maintenance Fee is required to hold or maintain a claim or site for **1** Assessment Year (Sept 1-Sept 1)
- A Small Miner's Waiver is **ONLY** effective if you and **ALL** co-claimants qualify for the waiver.



THE MAINTENANCE FEE Cont.

- If you are a qualified Small Miner you may still choose to pay the Maintenance fee.
- There is no required Annual Assessment Work when you pay the Maintenance Fee.
- The Maintenance Fee or the Small Miner's waiver **MUST** be received or post marked on or before Sept. 1, failure to do so will result forfeiture of the claim or site.



Related Parties

43 CFR 3830.5

Definition:

- (a) The spouse and dependent children of the claimant as defined in section 152 of the Internal Revenue Code of 1986; or
- (b) A person who controls, is controlled by, or is under common control with the claimant.



Examples of Related Parties

Husband



has 1 Claim

Wife



has 10 Claims = **11 Claims**

**NEITHER ARE ELIGIBLE FOR
WAIVER**



Mother has 5 Claims

$5 + 5 = 10$ claims

Dependent Daughter has 5 Claims

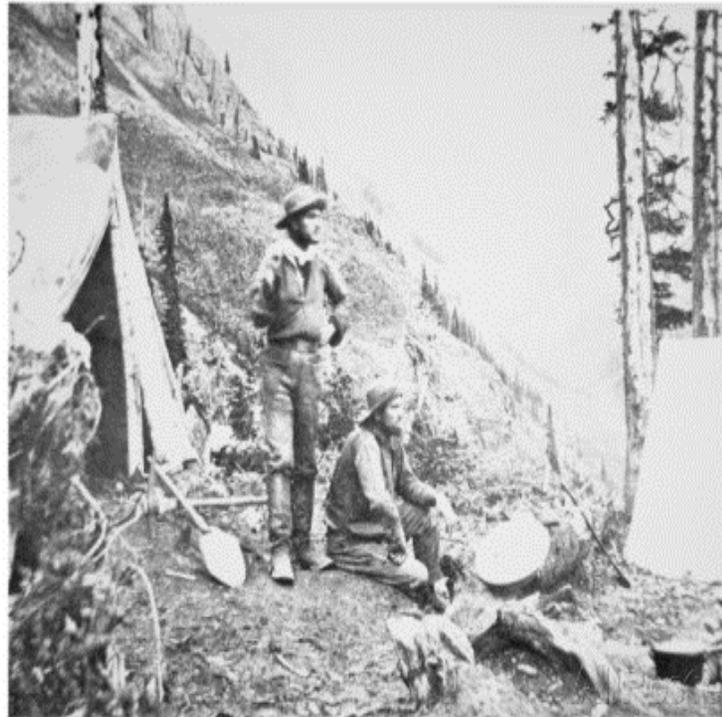
Eligible for
Waiver

Examples of Related Parties Cont.

2 Brothers Mining Inc., holds 10 Claims

Jim and John are the officers and directors of 2 Brothers Mining Inc.

Jim holds **1** claim
individually



John holds **1** claim
individually

The 3 together (2 Brothers Mining Inc., Jim and John)hold
12 claims and are ALL ineligible for a waiver.

2 Brothers Mining Inc., 10 Claims

Even if *2 Brothers Mining Inc.* **PAYS** the maintenance fee on it's 10 claims, Jim and John cannot file a Maintenance Fee Waiver on their individual claims because of their interests in the company.



Photo 23. End of a Shift, Empire Mine, Grass Valley District. A shift, circa 1900, ascends after a work tour at the Nevada County mine. Many of these miners were Cornishmen—"Cousin Jacks."

Maintenance Fee Waiver Example

Form 3830-2
(November 2010)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MAINTENANCE FEE WAIVER CERTIFICATION

SEE INSTRUCTIONS ON PAGE 2

FORM APPROVED
OMB NO. 1004-0114
Expires: August 31, 2013

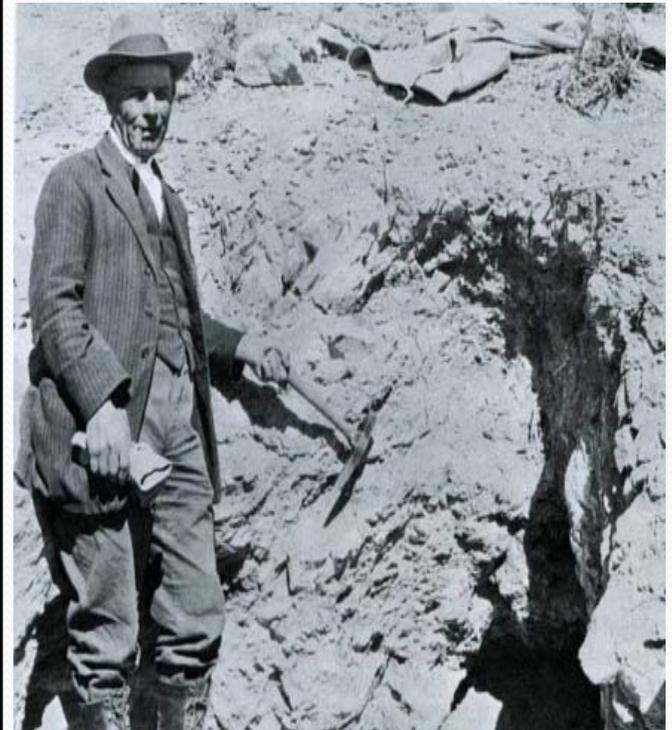
- This small miner waiver is filed for the assessment year beginning on September 1, 2014 and ending on September 1, 2015.
- The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on September 1, 2014.
- 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.
- 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 document with the BLM may result in a fine of up to \$250,000, a prison term not to 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 RECORDATION SERIAL NUMBER
1. Lucky Strike	NMC 777
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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

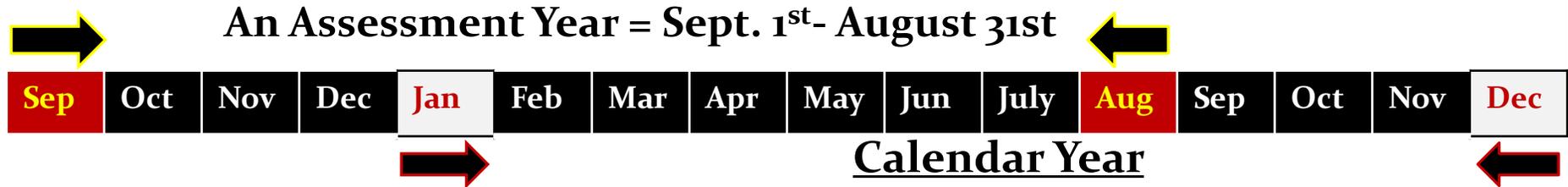
<p>John Fuller (Owner's Name - Please Print)</p> <p>777 Main Street (Owner's Mailing Address)</p>	<p>John Fuller (Owner's Signature)</p> <p>Eureka NV 89507 (City) (State) (Zip Code)</p>
<p>BRIAN ROBINSON (Owner's Name - Please Print)</p> <p>123 BROADWAY RD. (Owner's Mailing Address)</p>	<p>Michael Myers (AGENT FOR BRIAN ROBINSON) (Owner's Signature)</p> <p>LOST WAGES NV 89555 (City) (State) (Zip Code)</p>

You MUST file a waiver or pay the Maintenance Fee by Sept. 1 or you will forfeit your claim.



How to File a Maintenance Fee Waiver

- Complete a Maintenance Fee Waiver Certification Form 3830-2
- Submit original on or before Sept. 1 of the upcoming assessment year. (each assessment year starts **Sept 1st** and ends on **August 31st**)



Form 3830-2
(November 2010)

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

FORM APPROVED
OMB NO. 1004-0114
Expires: August 31, 2013

SEE INSTRUCTIONS ON PAGE 2

1. This small miner waiver is filed for the assessment year beginning on September 1, 2014 and ending on September 1, 2015
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, 2014
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:

How to File a Maintenance Fee Waiver (Continued)

- Must be signed by all owners with complete names and addresses.
- An authorized agent signing for the owners **must** have an **accepted** Power of Attorney on file with the BLM.
- All signatures must be original (fax and emailed waivers will be rejected **IMMEDIATELY**)
- The address should be the claimant's mailing address.

<u>John Fuller</u> (Owner's Name - Please Print)	<u>John Fuller</u> (Owner's Signature)
<u>777 Main Street</u> (Owner's Mailing Address)	<u>Eureka</u> <u>NV</u> <u>89507</u> (City) (State) (Zip Code)
<u>BRIAN ROBINSON</u> (Owner's Name - Please Print)	<u>Michael Myers</u> (AGENT FOR BRIAN ROBINSON) (Owner's Signature)
<u>123 BROADWAY RD.</u> (Owner's Mailing Address)	<u>LOST WAGES</u> <u>NV</u> <u>89555</u> (City) (State) (Zip Code)

How to File a Maintenance Fee Waiver (Continued)

- The instructions can be found on page 2 of the form itself.

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.

- A Maintenance Fee Waiver is good for **1** assessment year except in the instance of a Soldiers' & Sailors' Civil Relief Act waiver.

Soldiers' & Sailors' Civil Relief Act Waiver

- *This waiver defers annual assessment work for a small miner entering the military or on active duty.*

Thank You For Your Service

(1) One must submit the military documentation along with the waiver. (DD214, etc.)

(2) The waiver expires 6 months after leaving active duty or a military hospital.

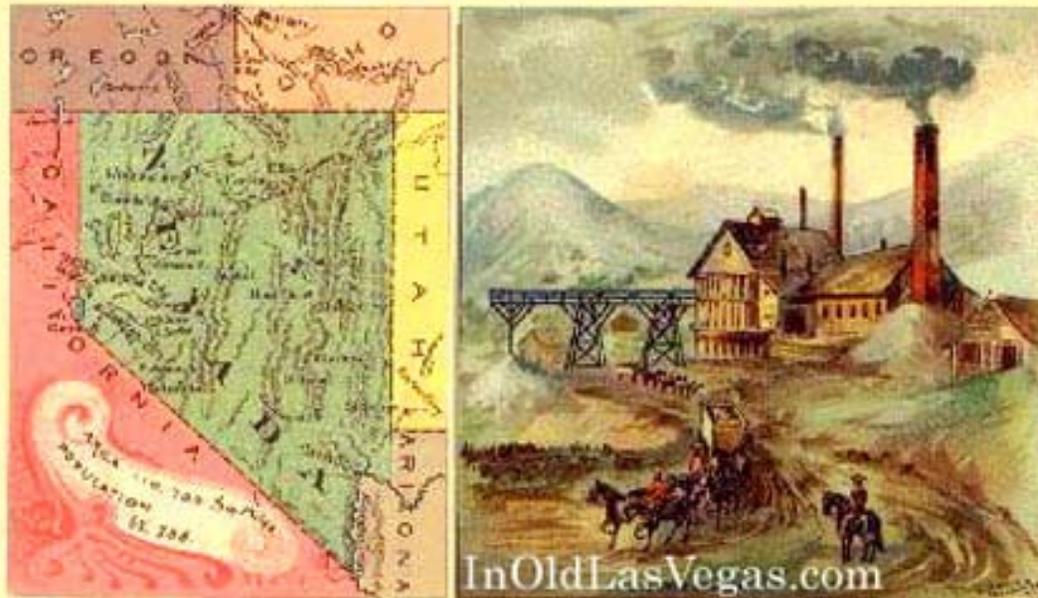
(3) The waiver automatically renews while one is on active duty, and you must notify the BLM when one leaves active duty.



Annual FLPMA Documents

The documents you must file in conjunction with the
Maintenance Fee Waiver Certification

- (1) Notice of Intent to Hold (NOI)
- (2) Affidavit of Annual Assessment Work a.k.a Proof of Labor (POL)



Federal Land Policy & Management Act of 1976

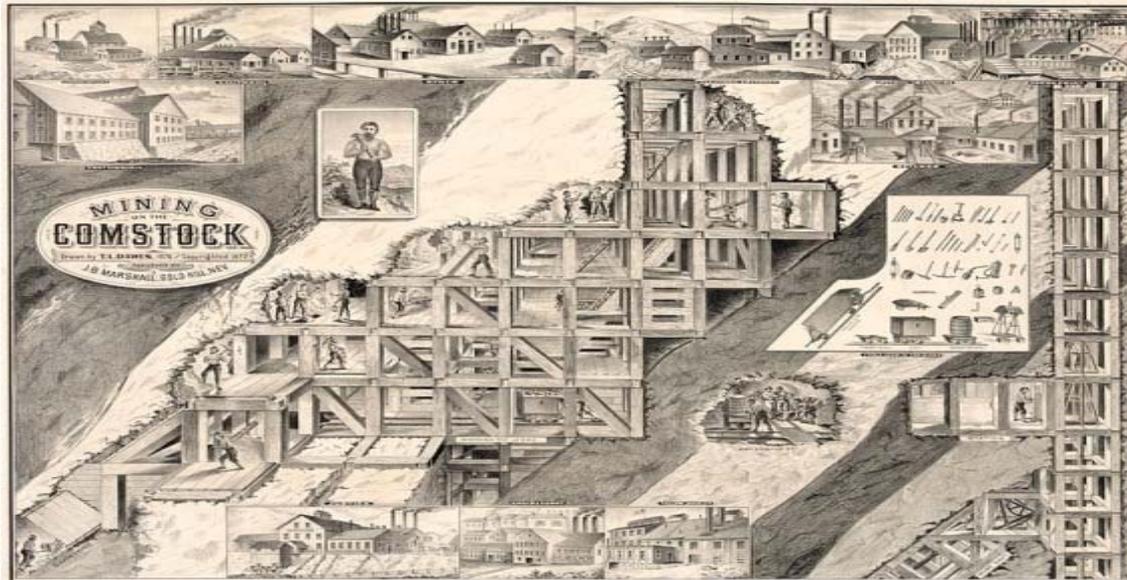
a.k.a FLPMA

An Act

To establish public land policy: to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

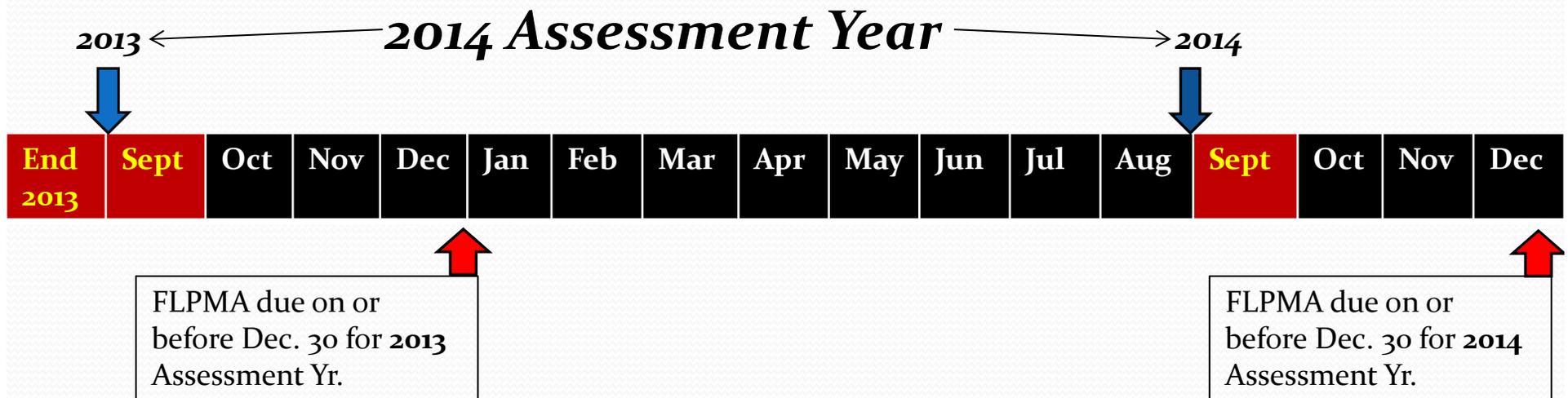
Recordation of Mining claims and Abandonment

- ***Sec. 314. (a)***, contains the language dealing with the recordation and filing requirements of the FLPMA documents known as the ***Notice of Intent to Hold (NOI)*** and the ***Affidavit of Annual Assessment Work a.k.a Proof of Labor (POL)***.



An Assessment Year

- A period of 12 consecutive months beginning at 12:01 **a.m.** on Sept. **1** each year.
- FLPMA filings must be filed with the BLM on or before December **30th** of the calendar year in which the assessment year ends.



Notice of Intent to Hold (NOI)

- The FLPMA filing known as a Notice of Intent to Hold is required:
 - (a) The *first year* when filing a Maintenance Fee Waiver
 - (b) When switching from paying the maintenance fee to filing a Waiver
 - (c) Required annually for Mill and Tunnel sites

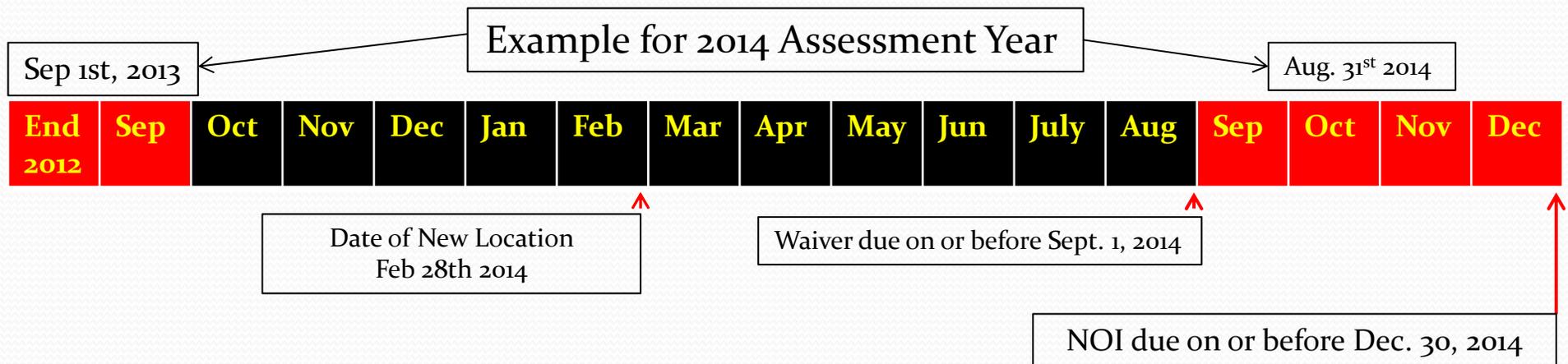


PLACER GOLD MINING.
(Washing with Cradle.)

Notice of Intent to Hold (NOI)

BLM Filing Requirements (43 CFR 3835.33):

- (1) A letter or notice with the signature of the claimant(s) or agent stating the intention to hold the claim for the calendar year in which the assessment year ends.
- (2) The name and BLM Serial number of the claim.
- (3) Any changes in mailing address of the claimant(s).
- (4) A processing fee (currently \$10) per claim.



Notice of Intent to Hold (NOI)

The following Document contains no Personal Information as defined by NRS 603A.040

AFFIDAVIT AND NOTICE OF INTENT TO HOLD MINING CLAIM(S) AND SITE(S)

TO ALL WHOM IT MAY CONCERN:

The undersigned certifies that the owner or claimant intended or intends to hold the mining claim(s), mill site(s), and/or tunnel site(s) listed below from 12:00 p.m. on September 1 of the year before this affidavit was made and recorded, until 11:59 a.m. on September 1 of the year that this affidavit was made and recorded.

The claim map showing said claim(s) is filed in the Eureka **RECORDER'S STAMP** County records.

Name of claim(s) or site(s):	BLM Serial No(s):
<u>Lucky Strike</u>	<u>NMC 777</u>
_____	_____
_____	_____
_____	_____

A total number of 1 claims is being filed with this document.

Name and mailing address of owner or claimant:
John Fuller
777 Main St
Eureka, NV 89507

Dated this 14 day of July, 2013.

By John Fuller
Owner, Claimant, Agent, or Lessee Signature
John Fuller
Owner, Claimant, Agent, or Lessee Name (printed)

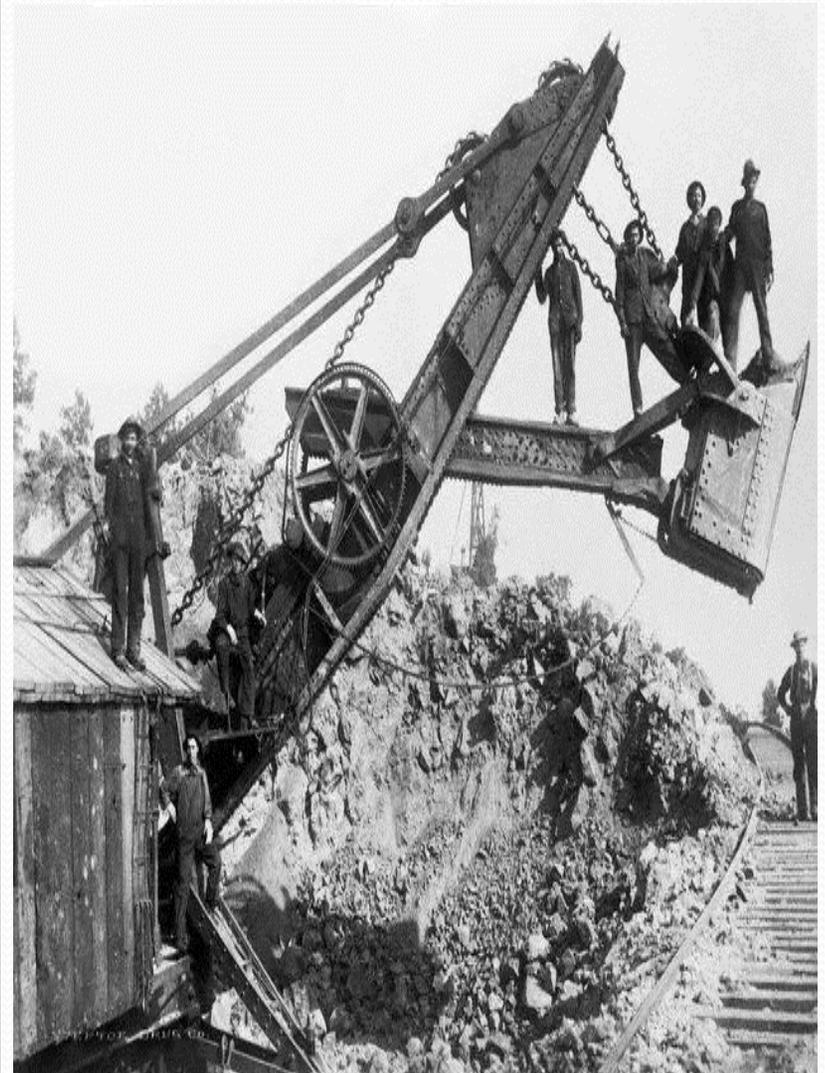
STATE OF _____
COUNTY OF _____

Subscribed and sworn to by

(Owner, Claimant, Agent, or Lessee)
before me this
day of _____, 20__.

NOTARY PUBLIC (Signature)

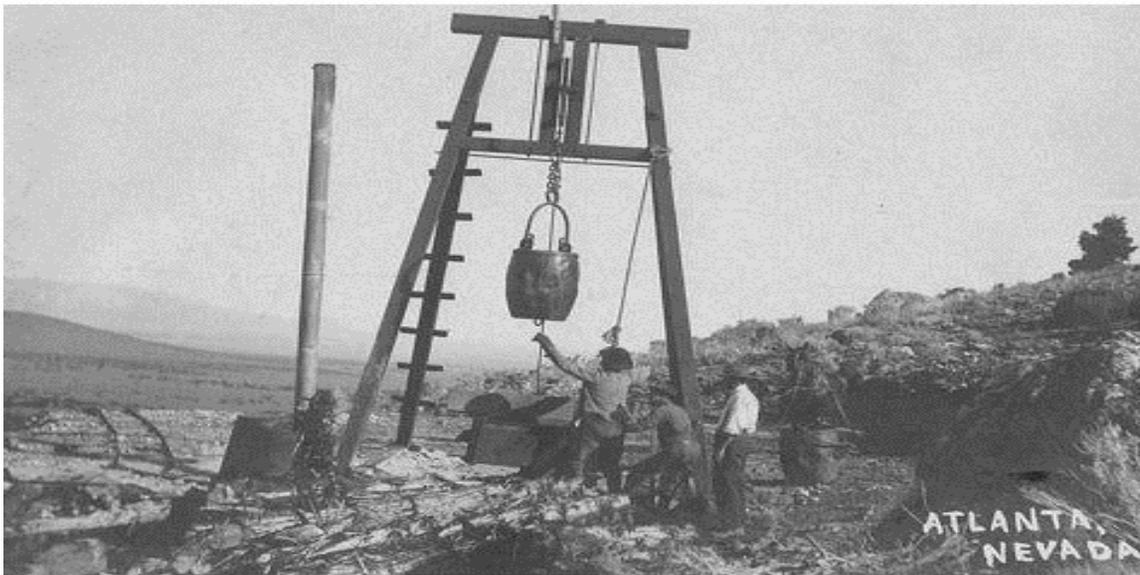
Suggested Form - Nevada Division of Minerals (REV 11/16/2007 LV)
Nevada Affidavit/Notice of Intent to Hold, NRS 517.230



DO NOT USE THIS FORM AS AN AFFIDAVIT OF ANNUAL ASSESSMENT WORK!!!
There is nowhere to state monetary value or dates work performed, etc.!!!

Affidavit of Annual Assessment Work

- This FLPMA filing, also known as “**Proof of Labor**” must be filed with the BLM on or before December 30 of the calendar year in which the assessment year ends.



POL due on or
before Dec. 30 for
2014
Assessment year.

An Affidavit of Annual Assessment **must** include

43 CFR 3835.32

- The name and, if available, the BLM serial number
- Any changes in mailing address
- Must show a minimum of **\$100** was expended to develop each claim(s)
- A processing fee (currently \$10) per claim
- An exact legible reproduction of either:
 - (a) The affidavit that you filed or will file with the county where the claim is located; or
 - (b) The geologic, geochemical or geophysical report you filed with the county.



Performing Assessment Work

- You are not required to perform assessment work in the assessment year your claim was located, it is required every subsequent year there after.
- Work may involve adjacent or nearby lands if the work supports the development of the claim(s).
- All work may be on 1 claim as long as the amount equals \$100 per claim in a contiguous claim block.

What Work Qualifies as Assessment Work?

- Drilling, excavating, driving shafts or tunnels, road construction for the benefit of the claim.
- Geological, geochemical or geophysical surveys.



POL BLM (Cont.)

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.

(Continued on page 4)

(Form 3830-4, page 3)



<http://www.blm.gov/nv/st/en/prog/minerals.html>

Example of POL (State Form)

The following Document contains no Personal Information as defined by NRS 603A.040

AFFIDAVIT OF ANNUAL ASSESSMENT WORK
(Short Form)

TO ALL WHOM IT MAY CONCERN:

The undersigned, John Fuller, certifies that at least ONE HUNDRED AND 00/100 DOLLARS (\$100.00) per claim was expended for development, labor and improvement, or equivalent value added, as the annual assessment work for the assessment year ending September 1, 2014 for the following unpatented mining claim(s) generally located in the following sections(s):

Name of Claim(s)	Section	Township	Range	Meridian
<u>Lucky Strike</u>	<u>7</u>	<u>18N</u>	<u>50E</u>	<u>MDB&M</u>
				<u>MDB&M</u>
				<u>MDB&M</u>

BLM Serial No(s):
NMC- 777
NMC- _____
NMC- _____

Name and mailing address of owner or claimant:
John Fuller
777 Main St.
Eureka NV 89507

A total number of 2 claims is being filed with this document.

The work consisted of: Sunk 3 shafts for exploration

The work described above was performed at the following locations: Lucky Strike
claims

Said work was performed between July 1, 2013, and July 4, 2013. A total of more than \$3000 and 00/100 DOLLARS (\$ 3000) was expended in performing the work, or equivalent value added. The work was performed by: John Fuller.

All of the aforesaid unpatented mining claims are contiguous and work on, or for the benefit of, any one claim or group of claims tends to develop all the claims. The work was performed for the purpose of developing the mineral potential of the claims and to maintain and hold such claims.

Dated this 14 day of July, 2013.

By John Fuller
Owner, Claimant, Agent, or Lessee Signature

John Fuller
Owner, Claimant, Agent, or Lessee Name(printed)

STATE OF _____
COUNTY OF _____

Subscribed and sworn to by

(Owner, Claimant, Agent, or Lessee)
before me this
day of _____, 20__.

NOTARY PUBLIC (Signature)

Suggested Form - Nevada Division of Minerals (REV. 4/15/2009 LV)
Nevada Proof of Labor, 30 USC Sec. 28-1, 28-2 - NRS 517.230

Reference Websites:

BLM

<http://www.blm.gov/nv/st/en/prog/minerals.html>

State of Nevada

<http://minerals.state.nv.us/>

OTHER WAIVER AND FLPMA DOCUMENT SCENARIOS

Switching from Maintenance Fee to Waiver

43 CFR 3835.15

- (1) You must submit your waiver request before the assessment year for which you wish to obtain the waiver.**
- (2) You must also submit a Notice of Intent to Hold (NOI) on or before Dec. 30 immediately following the submission of the waiver.**
- (3) You must perform the assessment work for the assessment year that was covered by the waiver.**
- (4) You must submit an Affidavit of Annual Assessment work on or before Dec 30 immediately following the close of the assessment year in which you performed the work.**

Example in the following flow diagram:

Switching from Maintenance Fee to Waiver (Flow Diagram) 43 CFR 3835.15

<p>8-31-2013</p> <p>Pays 2014 maintenance fee</p>	<p>12-30-2013</p> <p>Nothing required to be filed</p>	<p>8-31-2014</p> <p>Files 2015 waiver</p>	<p>12-30-2014</p> <p>NOI is required to be filed</p>
<p>8-31-2015</p> <p>Files 2016 waiver</p>	<p>12-30-2015</p> <p>2015 POL filed to complete 2015 waiver</p>	<p>8-31-2016</p> <p>Files 2017 waiver</p>	<p>12-30-2016</p> <p>2016 POL filed to complete 2016 waiver</p>

Switching from filing a Waiver to paying the Maintenance Fee 43 CFR 3835.16

-You must perform the assessment work in the assessment year for which you had obtained the waiver and file the annual FLPMA filing a.k.a. **Affidavit of Annual Assessment Work** on or before Dec. 30, following the end of the Assessment year under waiver (immediately following payment of the maintenance fee.)

Waiver to Maintenance Fee (Flow Diagram)

8-31-2013	12-30-2013	8-31-2014	12-30-2014
Files 2014 waiver	Files 2013 POL	Pays 2015 maintenance fee	Files 2014 POL to complete 2014 waiver

An Affidavit of Annual Assessment work is still need to “close the loop” on the 2014 Waiver.

SUMMARY

Maintenance Fee Waiver Certification (Small Miner Waiver Exemption)

- (1) To qualify you and your related parties must not hold more than 10 claims nationwide.
- (2) You must submit the form with **ORIGINAL SIGNATURES** on or before Sept. 1 of the year in which you seek the waiver.



Notice of Intent to Hold (NOI)

- (1) Required the 1st year a waiver is filed.
- (2) Required when switching from paying the annual Maintenance Fee to the Waiver.
- (3) Required annually for Mill & Tunnel sites.



Affidavit of Annual Assessment Work a.k.a. (POL)

- (1) Affidavit must show that a minimum of **\$100** was expended to develop the claim(s).
- (2) Assessment work is not required in the assessment year in which the claim is located.

FLPMA DOCUMENTS MUST BE FILED ON OR BEFORE DEC. 30 THE FAILURE TO DO SO COULD RESULT IN FORFEITURE OF THE CLAIM OR SITE.

MAKE COPIES!!!

THE BLM PUBLIC ROOM WILL GIVE YOU A BLM
DATE STAMPED COPY FOR YOUR RECORDS.

PLEASE REMEMBER TO KEEP TRACK OF YOUR
BLM DATE STAMPED COPIES.

THE DATE STAMPED COPIES ARE YOUR PROOF IF
THERE IS ANY DISCREPANCY!!!