



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

Annual Filings



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Land Law Examiner
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Requirements of Mining Law of 1872

- ❖ Original Requirement of the Mining Law of 1872:
 - ❖ On all claims located prior to the 10th day of May 1872, \$10 worth of labor shall be performed or improvements made each year, for each one hundred feet in length along the vein until a patent has been issued therefor;



Requirements of FLPMA

- ❖ The owner of an unpatented lode or placer mining claim shall, ... prior to December 31 of each year following the calendar year in which the said claim was located...
- ❖ File for record in the office where the location notice or certificate is recorded is recorded either a notice of intention to hold the mining claim ..., an affidavit of assessment work performed thereon, [or] a detailed report provided by section 28-1 of title 30, relating thereto.



30 U.S. Code § 28f

- ❖ The holder of each unpatented lode mining claim, mill site, or tunnel site, located pursuant to the mining laws of the United States before, on, or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee...
- ❖ Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28–28e) and the related filing requirements contained in section 1744(a) and (c) of title 43.



What are Annual Filings?

- ❖ Maintenance Fee
- ❖ Maintenance Fee Waiver Certification
- ❖ FLPMA Documents
 - ❖ Affidavit of Annual Assessment
 - ❖ Notice of Intent to Hold



Why Maintenance Fees?

Paying the Maintenance Fee in lieu of performing work, satisfies the requirements of the Mining Law & FLPMA.



An Assessment Year

❖ A period of 12 consecutive months beginning on September 1st each year.





Due Date

The Annual Maintenance Fee must be paid on or before **September 1st** of each year in order to maintain a mining claim or site for the upcoming year.

*If September 1st lands on a non-business day and the office is closed, the due date is the next business day. This year September 1st is on a Sunday and Monday is a Federal Holiday. Tuesday September 3, is the due date.



Maintenance Fees by Claim or Site

- 1) For lode claims, mill and tunnel sites the annual maintenance fee is **\$165**.
- 2) For placer claims a **\$165** annual maintenance fee for each **20** acres of the placer claim or portion thereof.

<u>Placer Acreage</u>	<u>Placer Fee per 20 Acres</u>
Up to 20	\$165
20.01 to 40	\$330
40.01 to 60	\$495
60.01 to 80	\$660
80.01 to 100	\$825
100.01 to 120	\$990
120.01 to 140	\$1,155
140.01 to 160	\$1,320



NOTE

- 1) The maintenance fee has historically changed every 5 years.
- 2) The last change was in 2019, 5 years ago.
- 3) Historically the change occurs July 1st.
- 4) A payment of the \$165 will require an additional payment if the new amount is greater.



How and Where to pay the Maintenance Fees

- (a) You may bring payments to the BLM State Office by close of business on or before September 1st.**
- (b) If you use a credit card please note—**
 - (1) There is a limitation of \$24,999.99 per day for credit cards though. Please contact the Public Room at (775)-861-6500 with questions on credit cards.**
- (c) You may send payments using a *bona fide* mail delivery service.**

Please mail payments to:

**BLM Nevada State Office
1340 Financial Blvd.
Reno, NV 89502**

 - (1) The payment must be postmarked or clearly identified by the mail delivery service as being sent on or before the due date; and**
 - (2) The BLM State Office must receive the payment no later than 15 calendar days after the due date.**
- (e) You may pay online using MLRS.**
- (f) You must submit your payment to the State Office which has jurisdiction over the claims/site you are maintaining.**
- (g) Do not submit payments to any other BLM Office, as the payment will be returned.**



NOTE

When you pay any fees to BLM, you **MUST** include a list of the mining claims/sites that you are paying for by claim name, & by the BLM serial number if BLM has notified you what the serial numbers are.



Claim is Maintained!

One maintenance Fee payment
per year.

No notice of Intent is required by
the BLM to maintain the claim.



Maintenance Fee Waiver Certification aka Small Miner's Waiver (SMW)

- ❖ To Qualify: 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.
- ❖ The Maintenance Fee Waiver Certification Form 3830-2 is the **ONLY** acceptable application form.



- ❖ The SMW **MUST** be received, or post marked on or before **Sept. 1**, failure to do so will result in forfeiture of the claim or site.
- ❖ You are not required to perform assessment work the year the claim is located.



Maintenance Fee Waiver Example

Form 3830-2
(April 2020)

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

FORM APPROVED
OMB NO. 1004-0114
Expires: April 30, 2023

SEE INSTRUCTIONS ON PAGE 2

- This small miner waiver is filed for the assessment year beginning on September 1, 2024 and ending on September 1, 2025.
- The undersigned is a small related party 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, 2024.
- The undersigned has 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. Gold	NV123456789
2. Silver	NMC123456
3. Bronze	NV123456790
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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

David Carvalho

(Owner's Name - Please Print)

1340 Financial Blvd

(Owner's Mailing Address)

(Owner's Original Signature)

Reno

(City)

NV

(State)

89502

(Zip Code)

Jane Doe

(Owner's Name - Please Print)

1340 Financial Blvd

(Owner's Mailing Address)

(Owner's Original Signature)

Reno

(City)

NV

(State)

89502

(Zip Code)



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 September 1st and ends on September 1st of the next year.

An Assessment Year = Sept. 1st through Sept 1st



Calendar Year

Form 3830-2
(April 2020)

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: April 30, 2023

1. This small miner waiver is filed for the assessment year beginning on September 1, 2024 and ending on September 1, 2025.
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, 2024.
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.
- ❖ All signatures on the waiver form must be original, fax and emailed waivers will be rejected.
- ❖ You may not submit a waiver through MLRS.
- ❖ The address should be the claimant's mailing address.
- ❖ This form also serves as a change of address.
- ❖ An authorized agent signing for the owners must have an accepted Power of Attorney on file with the BLM. A P.O.A. is valid for 3 years.

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

David Carvalho

(Owner's Name - Please Print)

1340 Financial Blvd

(Owner's Mailing Address)

(Owner's Original Signature)

Reno

(City)

NV

(State)

89502

(Zip Code)

Jane Doe

(Owner's Name - Please Print)

1340 Financial Blvd

(Owner's Mailing Address)

(Owner's Original Signature)

Reno

(City)

NV

(State)

89502

(Zip Code)



FLPMA Filings

These are documents you must file in conjunction with the **Maintenance Fee Waiver Certification:**

- ❖ Notice of Intent to Hold (NOI)
- ❖ Affidavit of Annual Assessment Work a.k.a. Proof of Labor (POL)
 - ❖ File one or the other not both.



Notice of Intent to Hold (NOI)

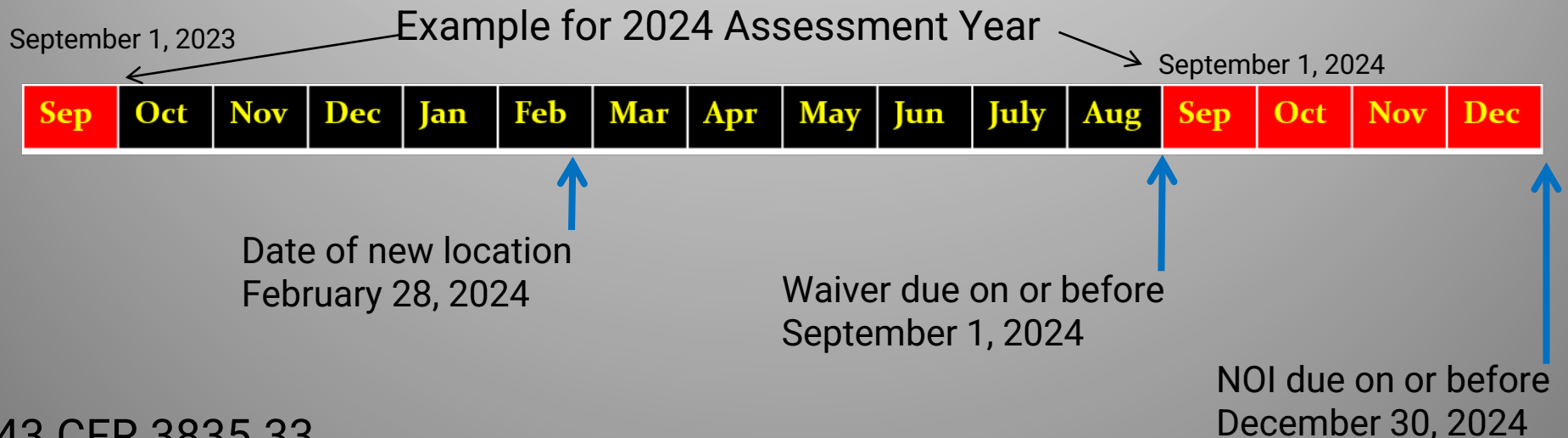
- ❖ The FLPMA filing known as a **Notice of Intent to Hold** is required:
- ❖ The **first year** when filing a Maintenance Fee Waiver; or
- ❖ When switching from paying the maintenance fee to filing a Waiver; or
- ❖ Required annually for Mill and Tunnel sites.



Notice of Intent to Hold (NOI) continued

BLM Filing Requirements:

- ❖ 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.
- ❖ The name and BLM Serial number of the claim.
- ❖ Any changes in mailing address of the claimant(s).
- ❖ A processing fee (currently \$15) per claim.





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 intends to hold the mining claim(s) for the assessment year ending September 1, 2024 (insert assessment year).

RECORDER'S STAMP

The claim map showing said claim(s) is filed in the Washoe County records. Claims are generally located in Section(s): 003 Township: 0160N Range: 0210E

Name of claim(s) or site(s):

BLM Serial No(s):

<u>Gold</u>	<u>NV123456789</u>
<u>Silver</u>	<u>NMC123456</u>
<u>Bronze</u>	<u>NV123456790</u>
_____	_____
_____	_____

A total number of 3 claims is being filed with this document.

Name and mailing address of owner or claimant:

David Carvalho
1340 Finacial Blvd
Reno, NV 89502

Dated this 12 day of May, 202022.

By [Signature]
Owner, Claimant, Agent, or Lessee Signature
(circle one)

David Carvalho
Owner, Claimant, Agent, or Lessee Name
(printed)

STATE OF Nevada
COUNTY OF Washoe

Subscribed and sworn to by

(Owner, Claimant, Agent, or Lessee)
before me this
12 day of August, 2024.

[Signature]
NOTARY PUBLIC (Signature)

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



WARNING

Do not submit a Notice of Intent to Hold (NOI) when the Affidavit of Annual Assessment Work (POL) is required.

This will result in the forfeiture of your claim.



Affidavit of Annual Assessment Work

This FLPMA filing, also known as (**Proof of Labor**) or (**POL**) must be filed with the BLM State Office on or before December 30th of the calendar year in which the assessment year ends.

Example for 2024 Assessment Year

September 1, 2023

August 31, 2024



POL due on or before
December 30, 2024



Affidavit of Annual Assessment continued

Affidavit of Annual Assessment must include:

- ❖ The name and, if available, the BLM serial number;
- ❖ Any changes in mailing address;
- ❖ A processing fee (currently **\$15**) per claim; and
- ❖ 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;
- ❖ Must show a minimum of **\$100 per claim** was expended to develop the claim(s).



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 thereafter.
- ❖ 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 at least **\$100 per claim** in a contiguous claim block.

What Work Qualifies as Assessment Work?

Assessment work includes, but is not limited to:

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



Switching from Maintenance Fee to Waiver

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



Maintenance Fee to Waiver Flow Diagram

August 31, 2023 2024 Maintenance Fee Paid	December 30, 2023 Nothing Required	August 31, 2024 Filed 2025 Waiver	December 30, 2024 NOI for 2024 is required
August 31, 2025 Filed 2026 Waiver	December 30, 2025 POL for 2025 is required to complete 2025 waiver	August 31, 2026 Filed 2027 Waiver	December 30, 2026 POL for 2026 is required to complete 2026 waiver



Switching from filing a Waiver to paying the Maintenance Fee

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



Waiver to Maintenance Fee Diagram

August 31, 2023	December 30, 2023	August 31, 2024	December 30, 2024
Filed 2024 Waiver	POL for 2023 is required to complete 2023 waiver	Paid 2025 Maintenance Fee	POL for 2024 is required to complete 2024 waiver

An Affidavit of Annual Assessment work is still needed to “close the loop” on the 2024 Waiver.



Date Stamped Copies

- ❖ The 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 regarding your claims.



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QUESTIONS?