

LEO FRED HUBER  
J. O. ARCHIBALD

IBLA 71-178

Decided August 25, 1972

Appeal from a decision of the Sacramento land office, Bureau of Land Management, S-3999, declaring mining claims null and void ab initio.

Affirmed.

Mining Claims: Lands Subject to

A classification of land by a Bureau of Land Management (BLM) motion for disposition under the Recreation and Public Purposes Act segregates the land from mineral locations, and a mining claim located on lands so classified is null and void ab initio.

APPEARANCES: Carr, Kennedy, Peterson & Frost, Attorneys.

OPINION BY MR. FRISHBERG

The appellants have appealed from a land office decision declaring their East Fork Placer mining claims Nos. 1-12 void ab initio for having been located on lands not open to entry, the lands having been classified by the BLM at an earlier date as being proper for disposition under the Recreation and Public Purposes Act, 43 U.S.C. §§ 869-869-4 (1970).

The salient arguments advanced by the appellants were fully discussed in R. C. Buch, 75 I.D. 140 (1968), and in the Court's review thereof in Buch v. Morton, 449 F.2d 600 (9th Cir. 1971), wherein it was made clear that a classification of land by Bureau motion for disposition under the Recreation and Public Purposes Act segregates the land from mineral location, and mining claims thereafter located on such lands are null and void ab initio.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, (211 DM 13.5, 35 F.R. 12081) the decision declaring the mining claims void is affirmed.

Newton Frishberg  
Chairman

We concur:

Douglas E. Henriques  
Member

Joseph W. Goss  
Member

