

JOSEPH OJUROVICH

IBLA 81-409

Decided April 15, 1981

Appeal from the decision of the California State Office, Bureau of Land Management, declaring the Charlotte placer mining claim abandoned and void. CA MC 14783.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment--Mining Claims: Abandonment

The failure to file the instruments required by sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1 and 3833.2, in the proper Bureau of Land Management office within the time periods prescribed therein conclusively constitutes abandonment of the mining claim by the owner.

2. Notice: Generally--Regulations: Generally--Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

3. Mining Claims--Assessment Work

The filing of evidence of annual assessment work in the county clerk's office is not compliance with the recordation requirements of 43 CFR 3833.2-1.

APPEARANCES: Joseph Ojurovich, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Joseph Ojurovich has appealed the decision of the California State Office, Bureau of Land Management (BLM), dated February 27, 1981, declaring the Charlotte placer mining claim, CA MC 14783, abandoned and void for failure to file evidence of assessment work for the period September 1, 1978, through September 1, 1979, on or before December 30, 1979.

In his statement of reasons, appellant states that he has been recording the proof of labor for the claim every year with the recorder of Trinity County, California, and he now doesn't understand whether the documents are supposed to be filed with the county office, with BLM, or with both.

[1] Under section 314(a) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744(a) (1976), and 43 CFR 3833.2-1(c), the owner of an unpatented mining claim located after October 21, 1976, is required to file in the proper BLM office either evidence of annual assessment work performed during the previous assessment year or a notice of intention to hold the claim, on or before December 30 of each calendar year following the calendar year in which the claim was located. Failure to file such instruments within the prescribed time period constitutes an abandonment of the claim and the claim is void under section 314(c) of FLPMA, 43 U.S.C. § 1744(c) (1976), and 43 CFR 3833.4. Silvertip Exploration & Mining, 43 IBLA 250 (1979); Juan Munoz, 39 IBLA 72 (1979); Donald H. Little, 37 IBLA 1 (1978).

Appellant's claim was located on July 24, 1978. Therefore, appellant was required to file with BLM either evidence of assessment work or a notice of intention to hold the claim on or before December 30, 1979, the calendar year following the calendar year in which the claims were located.

[2, 3] The fact that appellant misunderstood or was unaware of the filing requirement does not excuse him from compliance. Those who deal with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Donald H. Little, *supra*. Filing in the county recorder's office as required by State law does not meet the requirements of FLPMA. Evidence of assessment work must be timely filed with BLM as well. Johannes Soyland, 52 IBLA 233 (1981). This Board has no authority to excuse lack of compliance. Glen J. McCrorey, 46 IBLA 355 (1980).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the California State Office is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Bruce R. Harris
Administrative Judge

