

L. D. LAMOUREUX

IBLA 81-622

Decided July 28, 1981

Appeal from decision of the California State Office, Bureau of Land Management, declaring unpatented placer mining claim abandoned and void. CA MC 51094.

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. Mining Claims: Assessment Work

The filing of evidence of annual assessment work in the county recording office does not constitute compliance with the recordation requirements of 43 CFR 3833.2-1.

APPEARANCES: L. D. Lamoureux, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

This appeal is from a decision dated March 27, 1981, by the California State Office, Bureau of Land Management (BLM), declaring the unpatented Course Gold placer mining claim, CA MC 51094, abandoned and void because appellant had failed to file evidence of assessment

work on or before October 22, 1979, as required by section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744 (1976), and 43 CFR 3833.2-1(a). The claim was located in 1959 and recorded with BLM October 19, 1979. No proof of assessment work was filed at that time.

Appellant states on appeal that he sent a copy of his assessment work to the Kern County recorder's office, and inadvertently failed to send one to BLM.

[1] The owner of an unpatented mining claim located on public land before October 21, 1976, was required to file with the proper BLM office by October 22, 1979, and on or before December 30 of each calendar year thereafter, a notice of intent to hold or proof of the assessment work performed on the claim. 43 U.S.C. § 1744(a) (1976). Under the facts of this case, FLPMA required that appellant file assessment work with BLM on or before October 22, 1979. Where a required document is not timely filed, the mining claim is properly declared abandoned and void. 43 CFR 3833.4. Walter D. Cosdon, 56 IBLA 112 (1981).

[2] The filing of the document in a local county recorder's office does not obviate the need for strict compliance with the time schedule outlined in the statute and regulations. Walter D. Cosdon, supra at 114.

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

---

Anne Poindexter Lewis  
Administrative Law Judge

We concur:

---

James L. Burski  
Administrative Judge

---

Bruce R. Harris  
Administrative Judge

