

NORMAN L. MOON

IBLA 81-361

Decided August 5, 1981

Appeal from decision of Oregon State Office, Bureau of Land Management, declaring mining claims abandoned and void.

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.

APPEARANCES: Norman L. Moon, pro se.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

Norman L. Moon has appealed from a decision of the Oregon State Office, Bureau of Land Management (BLM), dated February 6, 1981, declaring the Boulder Creek Mine #1 and Boulder Creek Mine #2 mining claims abandoned and void for failure to file timely copies of notices of location pursuant to section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744 (1976), and its implementing regulations, 43 CFR Subpart 3833.

Appellant's mining claims were located on September 15, 1970, and August 20, 1975, and filed for recordation with BLM on December 10, 1980, well after the October 22, 1979, deadline. In his statement of reasons for appeal, appellant states that he "didn't know" and was not informed by BLM of the filing requirement.

[1] Section 314(b) of FLPMA, supra, requires the owner of an unpatented lode or placer mining claim located prior to October 21, 1976, to file a copy of the official record of the notice of location in the office designated by the Secretary of the Interior within the 3-year period following October 21, 1976. The deadline for filing, therefore, was October 22, 1979. See 43 CFR 3833.1-2(a). Section 314(c) of FLPMA, supra, provides that failure to file timely shall be deemed conclusively to constitute an abandonment of the mining claim by the owner. The claim is thereby rendered void. See 43 CFR 3833.4(a); see also, e.g., Sidney Hodges, 55 IBLA 17 (1981).

[2] The fact that appellant may have been unaware of the recordation requirements, while unfortunate, does not excuse him from compliance. Those who deal with the Government are presumed to have knowledge of the statute and the regulations duly adopted pursuant thereto. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Donald H. Little, 37 IBLA 1 (1978). The responsibility for complying with the recordation requirements rested with appellant. This Board has no authority to excuse lack of compliance. Lynn Keith, 53 IBLA 192, 88 I.D. 369 (1981); 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 appealed from is affirmed.

Bruce R. Harris
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Edward W. Stuebing
Administrative Judge

