

efficient and reasonably compact mining or milling operations.

**§ 3832.33 How do I locate a mill site?**

(a) You may locate a mill site in the same manner as a lode or placer mining claim, except that—

(1) It must be on land that is not mineral-in-character; and

(2) You must use or occupy each two and a half acre portion of a mill site in order for that portion of the mill site to be valid.

(b) If the United States does not own the surface estate of a particular parcel of land, you may not locate a mill site on that land under the General Mining Law or the Stockraising Homestead Act (see part 3838 of this chapter).

**§ 3832.34 How may I use my mill site?**

(a) Upon obtaining authorization under the surface management regulations of the surface managing agency, you may use and occupy dependent mill sites for:

(1) Placement of grinding, crushing, or milling facilities (such as rod and ball mills, cone crushers, and floatation cells) and reduction facilities (such as smelting, electro-winning, roasters, autoclaves, and leachate recovery);

(2) Mine administrative and support buildings, warehouses and maintenance buildings, electrical plants and substations;

(3) Tailings ponds and leach pads;

(4) Rock and soil dumps;

(5) Water and process treatment plants; and

(6) Any other use that is reasonably incident to mine development and operation, except for uses exclusively supporting reclamation or mine closure.

(b) Upon obtaining authorization under the surface management regulations of the surface managing agency, you may use and occupy independent mill sites for processing metallic minerals from lode claims using:

(1) Quartz or stamp mills; or

(2) Reduction works, including placement of grinding, crushing, or milling facilities (such as rod and ball mills, cone crushers, and floatation cells), reduction facilities (such as smelting, electro-winning, roasters, autoclaves, and leachate recovery), tailings ponds, and leach pads.

**Subpart D—Tunnel Sites**

**§ 3832.40 Tunnel sites.**

**§ 3832.41 What is a tunnel site?**

A tunnel site is a subsurface right-of-way under Federal land open to mineral entry. It is used for access to lode mining claims or to explore for blind or

undiscovered veins, lodes, or ledges not currently claimed or known to exist on the surface.

**§ 3832.42 How do I locate a tunnel site?**

You may locate a tunnel site by:

(a) Erecting a substantial post, board, or monument at the face of the tunnel, which is the point where the tunnel enters cover;

(b) Placing a location notice or certificate on the post, board, or monument that includes:

(1) The names of the claimants;

(2) The actual or proposed course or direction of the tunnel;

(3) The height and width of the tunnel; and

(4) The course and distance from the face or starting point to some permanent well-known natural objects or permanent monuments, in the same manner as required to describe a lode claim (see § 3832.28(c) of this part); and

(c) Placing stakes or monuments on the surface along the boundary lines of the tunnel at proper intervals as required under state law from the face of the tunnel for 3,000 feet or to the end of the tunnel, whichever is shorter.

**§ 3832.43 How may I use a tunnel site?**

You may use the tunnel site for subsurface access to a lode claim or to explore for and acquire previously unknown lodes, veins, or ledges within the confines of the tunnel site.

**§ 3832.44 What rights do I have to minerals within my tunnel site?**

(a) If you located your tunnel site in good faith, you may acquire the right to any blind veins, ledges, or lodes cut, discovered, or intersected by your tunnel, by locating a lode claim, if they—

(1) Are located within a radius of 1,500 feet from the tunnel axis; and

(2) Were not previously known to exist on the surface and within the limits of your tunnel.

(b) Your site is protected from other parties making locations of lodes within the sidelines of the tunnel and within the 3,000-foot length of the tunnel, unless such lodes appear upon the surface or were previously known to exist.

(c) You must diligently work on the tunnel site. If you cease working on it for more than 6 consecutive months, you will lose your right to possess all unknown, undiscovered veins, lodes, or ledges that your tunnel may intersect.

**§ 3832.45 How do I obtain any minerals that I discover within my tunnel site?**

(a) Even if you have located the tunnel site, you must separately locate a lode claim to acquire the possessory

right to a blind vein, lode, or ledge you have discovered within the boundaries of the tunnel site sidelines.

(b) The date of location of your lode claim is retroactive to the date of location of your tunnel site.

**Subpart E—Defective Locations**

**§ 3832.90 Defects in the location of mining claims and sites.**

**§ 3832.91 How do I amend a mining claim or site location if it exceeds the size limitations?**

(a) You may correct defects in your location of a mining claim, mill site, or tunnel site by filing an amended notice of location (see § 3833.20 of this chapter on conditions allowing amendments and how to record them.)

(b) For placer claims or mill sites that you located using an irregular survey or lotting of irregular sections, you may use the “Rule of Approximation” to determine allowable acreage. The Rule of Approximation applies only to surveyed public lands. It was developed to determine maximum allowable acreage for land entries (placer claims in this part) where the excess acreage is less than the difference would be if the smallest legal subdivision is excluded from the location or entry. In no case may you use the rule to obtain more acreage than allowed under the applicable law. (See *Henry C. Tingley*, 8 Pub. Lands Dec. 205 (1889)).

■ 13. Add part 3833 to read as follows:

**PART 3833—RECORDING MINING CLAIMS AND SITES**

Sec.

**Subpart A—Recording Process**

3833.1 Why must I record mining claims and sites?

3833.10 Procedures for recording mining claims and sites.

3833.11 How do I record mining claims and sites?

**Subpart B—Amending Mining Claims and Sites**

3833.20 Amending mining claims and sites.

3833.21 When may I amend a notice or certificate of location?

3833.22 How do I amend my location?

**Subpart C—Filing Transfers of Interest**

3833.30 Filing transfers of interest in mining claims or sites.

3833.31 What is a transfer of interest?

3833.32 How do I transfer a mining claim or site?

3833.33 How may I transfer, sell, or otherwise convey an association placer mining claim?

**Subpart D—Defective Filings**

3833.90 Defects in recordings or filings for mining claims and sites.