

SENATE BILL NO. 108—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

PREFILED DECEMBER 31, 2008

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the placement of markers on lode mining claims. (BDR 46-498)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mining claims; providing that a hollow metal post which is used as a valid legal monument to mark the boundaries of a lode mining claim must meet certain requirements; requiring the replacement of durable plastic pipe on lode mining claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the use of hollow metal posts and durable plastic pipe
2 to define the boundaries of a lode mining claim if the post or pipe is securely
3 capped with no open perforations. (NRS 517.030) This bill provides that a hollow
4 metal post which is used to mark the boundaries of a lode mining claim must be
5 securely capped or crimped in a manner that securely closes the top of the post and
6 have no open perforations. This bill also provides that any durable plastic pipe used
7 to mark a claim must be replaced on or before November 1, 2011. If replaced on or
8 before that date, the durable plastic pipe must be taken from the lode mining claim
9 and disposed of in a lawful manner. After that date, any such durable plastic pipe
10 may be removed and placed adjacent to the location from which it is removed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 517.030 is hereby amended to read as follows:
2 517.030 1. Within 60 days after posting the notice of
3 location, the locator of a lode mining claim shall distinctly define
4 the boundaries of the claim by placing a valid legal monument at



- 1 each corner of the claim. A valid legal monument may be created
2 by:
- 3 (a) ~~{Removing the top of}~~ **Blazing and marking** a tree, which
4 has a diameter of not less than 4 inches, not less than 3 feet above
5 the ground ; ~~{, and blazing and marking it;}~~
- 6 (b) Capping a rock in place with smaller stones so that the rock
7 and stones have a height of not less than 3 feet; or
- 8 (c) Setting a wooden or metal post or a stone.
- 9 2. If a wooden post is used, the dimensions of the post must be
10 at least 1 1/2 inches by 1 1/2 inches by 4 feet, and the post must be
11 set 1 foot in the ground.
- 12 3. If a metal post is used, the post must be at least 2 inches in
13 diameter by 4 feet in length ~~{}~~ and ~~{it must}~~ be set 1 foot in the
14 ground. If the metal post is hollow, it must ~~{be}~~ :
- 15 (a) **Be** securely capped ~~{}~~ **or crimped in a manner that securely**
16 **closes the top of the post; and**
- 17 (b) **Have no open perforations.**
- 18 4. If it is practically impossible, because of bedrock or
19 precipitous ground, to sink a post, it may be placed in a mound of
20 earth or stones. If the proper placing of a monument is impracticable
21 or dangerous to life or limb, the monument may be placed at the
22 nearest point properly marked to designate its right place.
- 23 5. If a stone is used which is not a rock in place, the stone must
24 be not less than 6 inches in diameter and 18 inches in length ~~{}~~ and
25 ~~{it must}~~ be set with two-thirds of its length in the top of a mound of
26 earth or stone 3 feet in diameter and 2 1/2 feet in height.
- 27 6. ~~{Durable}~~ **Except as otherwise provided in subsection 7, a**
28 **durable** plastic pipe that was set before March 16, 1993, for the
29 purpose of defining the boundaries of a lode mining claim shall be
30 deemed to constitute a valid legal monument if:
- 31 (a) The pipe is at least 3 inches in diameter by 4 feet in length ~~{}~~
32 and ~~{the pipe}~~ is set 1 foot in the ground; and
- 33 (b) The pipe is securely capped with no open perforations.
- 34 7. The locator of a lode mining claim located before March 16,
35 1993, **the boundaries of which are defined by a durable plastic**
36 **pipe described in subsection 6**, or his successor in interest, ~~{may}~~
37 **shall, on or before November 1, 2011,** remove the durable plastic
38 pipe ~~{described in subsection 6}~~ and replace the monument of
39 location and the corner monuments with valid legal monuments in
40 the manner prescribed pursuant to subsection 1. ~~{The}~~ **If the** locator
41 or his successor in interest ~~{is not required to replace a monument~~
42 ~~located at the center of a side line. Within}~~ **replaces the durable**
43 **plastic pipe on or before that date, the locator or his successor in**
44 **interest shall, within** 60 days after the replacement, ~~{the locator of~~
45 ~~the lode mining claim, or his successor in interest, shall}~~ record a



1 notice of remonumentation with the county recorder of the county in
2 which the claim is located and pay the fee required by NRS
3 247.305. The notice must contain:

4 (a) The name of the claim;

5 (b) The book and page number or the document number of the
6 certificate of location or the most recent amendment to the
7 certificate of location;

8 (c) The book and page number or the document number of the
9 map filed pursuant to NRS 517.040; and

10 (d) A description of the monument used to replace each
11 monument that is removed.

12 ➡ The notice may include more than one claim. *Any durable plastic
13 pipe that is removed pursuant to this subsection must be taken
14 from the lode mining claim and disposed of in a lawful manner.*

15 8. *After November 1, 2011, any durable plastic pipe that is
16 not removed pursuant to subsection 7 may be removed and placed
17 on the ground immediately adjacent to the location from which it
18 is removed to preserve evidence of its use as a monument for the
19 lode mining claim.*

20 9. The replacement of *a* durable plastic pipe or the recording of
21 a notice pursuant to subsection 7 does not:

22 (a) Amend or otherwise affect the legal validity of the claim for
23 which the monuments were created;

24 (b) Modify the date of location of the claim; or

25 (c) Require the filing of an additional or amended map pursuant
26 to NRS 517.040.

27 **Sec. 2.** This act becomes effective on July 1, 2009.

