

(c) Evidence of your title or the extent of your rights to the present interest in the mineral deposits. Submit either a certified abstract of title or a title certificate, or the instrument establishing your rights; and

(d) The names of the other owners, if any, of the mineral interests. If you own the operating rights to the mineral by means of a contract with the mineral owner, you also need to submit three copies of the mineral contract or lease.

**§ 3509.18 What will BLM do after it receives my application for a future interest lease?**

(a) After BLM receives your application for a future interest lease, we will notify all other interest owners that they have 90 days to file applications for the same mineral interest.

(b) If any other interest owners timely apply, we will hold a competitive lease sale among the qualified applicants. BLM will establish standards for the competitive sale similar to those under subpart 3508 of this part, and provide notice to all of the qualified applicants.

(c) If no other qualified owners timely apply, BLM may issue a future interest lease to you. BLM will establish the amount of the bonus bid you must pay through appraisal.

**§ 3509.20 When does my future interest lease take effect?**

Your future interest lease will be effective on the date the minerals vest in the United States, as stated in the lease.

**§ 3509.25 For what reasons will BLM reject my application for a future interest lease?**

We will reject your application:

(a) If you do not meet the qualifications in § 3509.15 of this part;

(b) If you filed your application less than one year before the minerals vest in the United States; or

(c) We determine that issuing the lease is not in the public interest.

**§ 3509.30 May I withdraw my application for a future interest lease?**

Yes. You must file the withdrawal with BLM before the lease is signed. BLM will retain the application fee.

**§ 3509.40 What are fractional interest prospecting permits and leases?**

They are prospecting permits and leases for parcels where the United States holds less than 100 per cent of the mineral interest of the parcel. Fractional interest leases allow development of the shared mineral interests.

**§ 3509.41 For what lands may BLM issue fractional interest prospecting permits and leases?**

We issue them for lands where the United States owns less than 100 per cent of the mineral interest and where we have determined it is in the public interest to grant the permit or lease. We will only grant fractional interest permits or leases with the consent of the surface managing agency. If we believe a mineral deposit exists but do not know, we may issue a noncompetitive fractional interest lease.

**§ 3509.45 Who may apply for a fractional interest prospecting permit or lease?**

Only persons who have an interest in the non-Federal share of the same minerals may apply for a fractional interest lease of the minerals. Applicants must also meet the qualification standards in subpart 3502 of this part.

**§ 3509.46 How do I apply for a fractional interest prospecting permit or lease?**

No specific form is required. Include a \$25 filing fee with the application. Submit the application to the BLM office with jurisdiction over the lands.

**§ 3509.47 What information must I include in my application for a fractional interest prospecting permit or lease?**

Your application must include all the same information we require when you apply for a regular competitive Federal lease. See subpart 3508 of this part. In

## § 3509.48

addition, you must include the following:

- (a) A land description;
- (b) Your certification that you meet the qualifications requirements (see subpart 3502 of this part);
- (c) Evidence of your title or the extent of your rights in the mineral deposits. Submit either a certified abstract of title, a title certificate or the instrument establishing your rights; and
- (d) The names of the other owners, if any, of the mineral interests. If you own the operating rights to the mineral by means of a contract with the mineral owner, you also need to submit three copies of the mineral contract or lease.

### **§ 3509.48 What will BLM do after it receives my application for a fractional interest lease?**

- (a) After BLM receives your application for a fractional interest lease, we will notify all other interest owners that they have 90 days to file applications for the same mineral interest.
- (b) If any other interest owners timely apply, we will hold a competitive lease sale among the qualified applicants. BLM will establish standards for the competitive sale similar to those under subpart 3508 of this part, and provide notice to all of the applicants.
- (c) If no other qualified owners timely apply, BLM may issue a fractional interest lease to you. BLM will establish the amount of the bonus bid you must pay through appraisal.

### **§ 3509.49 What terms and conditions apply to my fractional interest prospecting permit or lease?**

BLM will apply the commodity-specific terms and conditions found in this part to fractional interest prospecting permits and leases.

### **§ 3509.50 Under what conditions would BLM reject my application for a fractional interest prospecting permit or lease?**

BLM will reject your fractional interest application if:

- (a) You do not meet the qualifications in § 3509.45 of this part;
- (b) You would have an interest in the total Federal and non-Federal mineral estate of less than 50% once the frac-

## 43 CFR Ch. II (10–1–02 Edition)

tional interest prospecting permit or lease is issued, unless we determine it would be in the best interests of the government to issue the permit or lease; or

- (c) We determine that it is not in the public interest to grant the lease.

### **§ 3509.51 May I withdraw my application for a fractional interest prospecting permit or lease?**

Yes, if you file the withdrawal before the lease is signed. BLM will retain the application fee.

## **Subpart 3510—Noncompetitive Leasing: Fringe Acreage Leases and Lease Modifications**

### **§ 3510.11 If I already have a Federal lease, or the mineral rights on adjacent private lands, may I lease adjoining Federal lands that contain the same deposits without competitive bidding?**

Yes. If the adjoining Federal lands are available for leasing, you may lease them noncompetitively, even if they are known to contain a deposit of the mineral you are interested in leasing. We will either issue a new lease for these lands (fringe acreage) or add the lands to your existing Federal lease (modification).

### **§ 3510.12 What must I do to obtain a lease modification or fringe acreage lease?**

- (a) File three copies of your application with the BLM office that administers the lands. No specific application form is required.
- (b) Include a non-refundable filing fee of \$25, and an advance rental payment in accordance with the rental rate for the mineral commodity you are seeking. If you want to modify an existing lease, BLM will base the rental payment on the rate in effect for the lease being modified.
- (c) Your application must:
  - (1) Show the serial number of the lease if the lands adjoin an existing Federal lease;
  - (2) Contain a complete and accurate description of the lands desired;
  - (3) Show that the mineral deposit specified in your application extends