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FSM 2800 - MINERALS AND GEOLOGY

CHAPTER 2890 - CERTIFICATION

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Approved: GLORIA MANNING
Associate Deputy Chief

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Posting Instructions: Amendments are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this title 2800-2007-3 to FSM 2800 zero code.

New Document	2890	24 Pages
Superseded Document(s) by Issuance Number and Effective Date	2890 (Amendment 2800-2007-1, 02/08/2007)	24 Pages
	id_2890-2007-2, 03/08/2007	3 Pages

Digest:

2890 - Incorporates Interim Directive No. 2890-2007-2, without changes.

2892.04c - Removes Regional Director responsibility for designating Certified Mineral Examiners or Review Mineral Examiners (s) to determine personnel who are qualified to conduct mine safety assessments at abandoned/inactive mines. Recodes this responsibility to FSM 2800 Zero Code (sec. 2804.2).

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2890.2 - Objectives

The objectives of the minerals and geology certification programs are to:

1. Promote increased competence and professionalism.
2. Maintain an effective professional and technically competent workforce that is knowledgeable of:
 - a. Geologic characteristics of mineral deposits.
 - b. Techniques of mineral exploration and development.
 - c. Mineral laws, regulations, and policies.

2890.3 - Policy

1. Forest Service personnel who administer locatable and energy minerals shall be certified in the program areas in which they work, as provided for in this chapter.
2. An individual may hold multiple certifications.
3. The duties and responsibilities of a certification panel member shall be an element in their annual performance plan.

2890.4 - Responsibility

2890.41 - Certification Panel

Certification panels are responsible for establishing a record keeping system for tracking applications, certification letters, correspondence, and other pertinent certification data.

2891 - CERTIFICATION OF LOCATABLE MINERALS ADMINISTRATORS

2891.02 - Objectives

The objective of the certification program for locatable minerals administrators is to achieve consistency and quality in processing and administering locatable mineral operations.

2891.03 - Policy

1. Locatable minerals administration certification is available to Forest Service employees only.

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2. Employees who perform administration of locatable minerals operations shall be certified as a Locatable Minerals Administrator. Those employees who are not yet certified but are assigned locatable minerals administration duties are expected to obtain level I or level II certification within 1 and 2 years respectively. While working towards certification, employees must be under the guidance and direction of a certified Locatable Minerals Administrator. During this time of oversight and guidance, the certified Locatable Minerals Administrator shall remain actively engaged in and maintain direct responsibility for administration of the locatable minerals operations. This does not preclude other Forest Service employees from assisting the Certified Minerals Administrator in a support capacity such as data collection, compilation, and evaluation associated with monitoring; filing; maintaining minerals operation records; and any other related functions that need to be accomplished in support of the minerals operation.

3. A certified minerals administrator is the designated agency contact assigned the responsibility to work with mineral operators to ensure that existing, proposed, and approved locatable minerals operations are in compliance with the approved plan of operation, Forest Service regulations, and all other applicable laws and regulations.

2891.04 - Responsibility

2891.04a - Deputy Chief, National Forest System

The Deputy Chief, National Forest System, has the responsibility to review an appeal concerning a decision to deny, suspend, or revoke an employee's certification status. The Deputy Chief, National Forest System, may appoint a Reviewing Officer to act in his/her place in reviewing an appeal. The appointed Reviewing Officer cannot be a member of the certification panel.

2891.04b - Director, Minerals and Geology Management, Washington Office

The Director, Minerals and Geology Management, Washington Office, is responsible for:

1. Selecting a certification panel chairperson.
2. Reviewing certification panel decisions.
3. Certifying applicants found qualified by the certification panel.
4. Notifying applicants found unqualified by the certification panel of the actions needed to become qualified and procedures for filing an appeal.
5. Revoking or suspending a certification (FSM 2891.3) and in the case of suspension, setting the period of suspension.
6. Maintaining the official record of each applicant.

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7. Establishing the certification application questions and instructions.

2891.04c - Regional Office Director with Locatable Minerals Responsibilities, Regions 1, 2, 3, 4, 5, 6, 8, and 10

The Regional Directors with locatable minerals responsibilities in Regions 1, 2, 3, 4, 5, 6, 8, and 10 may assign the duty and responsibility to perform the technical review of mineral reports to a certified Mineral Examiner after the certification panel has determined that the certified Mineral Examiner meets the knowledge, skills, and abilities for a certified Review Mineral Examiner as described in section 2892.1.

2891.04d - Forest Supervisor

Forest Supervisors with a locatable minerals program on their Forest are responsible for maintaining a qualified minerals work force. This shall be achieved by ensuring that employees assigned to administer minerals operations obtain the training necessary to develop and maintain critical performance skills and by ensuring that employee job descriptions, training plans, and supervision are consistent with the policy in FSM 2891.03.

2891.04e - Certification Panel Chairperson

The certification panel Chairperson is responsible for:

1. Developing a mailing list of certified Locatable Minerals Administrators.
2. Informing certified Locatable Minerals Administrators of courses and conferences available for career development through the National Minerals Training Office.
3. Assigning review work to panel members.
4. Investigating allegations that could lead to the suspension or revocation of certification and providing a recommendation for appropriate action to the Director, Minerals and Geology Management, Washington Office.
5. Tracking and periodically reviewing applications.
6. Reviewing panel member recommendations for consistency.
7. Forwarding the applicant's application and panel member's recommendations on certification to the Director, Minerals and Geology Management, Washington Office.

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2891.04f - Certification Panel

The certification panel is responsible for reviewing certification applications, making recommendations on certification, and providing guidance to applicants not meeting the requirements for certification on steps they need to take to achieve certification.

2891.04g - Level I Locatable Minerals Administrator

A level I Locatable Minerals Administrator is limited to the administration of locatable mineral operations that:

1. Are not approved through a Record of Decision and an environmental impact statement, or
2. Do not require a reclamation performance bond of more than \$100,000.

2891.04h - Level II Locatable Minerals Administrator

A level II Locatable Minerals Administrator may oversee the processing and administration of all locatable mineral operations.

2891.1 - Knowledge, Skills, and Abilities for Certification

2891.11 - Level I Locatable Minerals Administrator

An applicant requesting certification as a level I Locatable Minerals Administrator must have completed the basic Minerals Administration course offered by the Forest Service, or its equivalent, and have knowledge, skills, and abilities of locatable mineral operations in the following areas:

1. Basic knowledge of mineral and environmental laws; locatable mineral regulations at Title 36, Code of Federal Regulations, part 228, subpart A (36 CFR part 228, subpart A); locatable mineral policies and directives (FSM 2810); and pertinent case law.
2. The ability to process and administer notices of intents and plans of operations in accordance with 36 CFR part 228, subpart A, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
3. The ability to coordinate with State and other Federal agencies, such as the Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and so forth during analysis, administration, closure, and reclamation of a locatable minerals operation.

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4. Basic understanding of prospecting, exploration, and mining techniques; and facilities, equipment, and materials associated with routine and small-scale locatable mineral operations.
5. Understanding of mitigation and monitoring techniques to minimize surface resource impacts.
6. Understanding of reclamation practices and bonding calculation procedures for routine and small-scale locatable mineral operations.
7. Administrative skills involving field inspections and documentation techniques.
8. Discussion and negotiation skills with public users of NFS lands.

2891.12 - Level II Locatable Minerals Administrator

In addition to the knowledge, skills, and abilities of a level I Locatable Minerals Administrator (FSM 2891.11), an applicant requesting certification as a level II Locatable Minerals Administrator must have completed the Advanced Minerals Administration course, or an equivalent, acceptable to the certification panel and must be able to document their knowledge, skills, and abilities in the following areas:

1. Participation on an interdisciplinary team conducting an environmental impact statement under procedures prescribed in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. et seq.).
2. Knowledge of State and Federal laws, regulations, and policies pertinent to locatable minerals operations.
3. The ability to establish internal and external working relationships, such as drafting memoranda of understandings and cooperative agreements, and managing contractors and consultants providing technical information during NEPA analysis or ongoing locatable mineral operations.
4. Knowledge of geotechnical issues and concerns often associated with mineral operations, such as surface and groundwater pollution, mine waste characterization and containment, slope stability, and mine closure design.
5. The ability to accurately calculate and review for acceptance reclamation bonds of \$100,000 or more.

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2891.2 - Certification Process for Locatable Minerals Administrators

2891.21 - Submitting Application for Locatable Minerals Administrator

Applicants shall submit two copies of each of the following documents to the Washington Office, Director of Minerals and Geology Management:

1. Letter of recommendation from their Forest Supervisor describing the certification level sought and
2. Documents supporting their qualifications for the certification level sought (FSM 2891.1).

2891.22 - Assignment of Application for Locatable Minerals Administrator

The Director, Minerals and Geology Management, Washington Office, shall log in the application and supporting documentation and forward it to the certification panel Chairperson who shall check the application for completeness and conformance with the requirements of the level of certification sought. If the application is complete, it shall be assigned to the next available panel member for review. If the application is not complete, the applicant shall be notified of the information needed to complete the application. The applicant has 60 days from the date of the notification to supply the missing information. If the information is not furnished within the 60-day period, the application shall be returned to the applicant without further action.

2891.23 - Review and Recommendation on Application for Locatable Minerals Administrator

Two certification panel members shall review the application and make a recommendation on certification to the certification panel Chairperson. The review may include interviews with supervisors and colleagues and on-site visits to mineral operations where the applicant has developed or administered a plan of operations. If both certification panel members concur to certify the applicant, the recommendation for certification shall be forwarded to the certification panel Chairperson. If both certification panel members concur not to certify the applicant, the recommendation not to certify, documentation of the applicant's deficiencies, and direction for correcting deficiencies shall be forwarded to the certification panel Chairperson.

When certification panel members have opposing views on certification, recommendations, documentation of the applicant's qualifications, and direction for correcting deficiencies shall be forwarded to the certification panel Chairperson. The certification panel Chairperson shall review the application and panel member recommendations and shall provide the Director, Minerals and Geology Management, Washington Office, with an independent recommendation on the applicant's application for certification as a Locatable Minerals Administrator.

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2891.24 - Decision on Application for Locatable Minerals Administrator

The Director, Minerals and Geology Management, Washington Office, shall review the application package and shall make a decision on certification. If the decision is to certify the applicant, the applicant shall be notified and their name added to the service-wide certification list maintained by the Director, Minerals and Geology Management, Washington Office. If the decision is not to certify the applicant, the Director, Minerals and Geology Management, Washington Office, shall notify the applicant and his or her supervisor of the decision not to certify the applicant. The supervisor and the applicant shall be provided with a list of the deficiencies, advice on how to correct those deficiencies, and appeal rights.

2891.25 - Reapplication for Certification as Locatable Minerals Administrator

An employee may, within 1 year of notification that they did not qualify as a Locatable Minerals Administrator, reapply for certification to the Director, Minerals and Geology Management, Washington Office. The applicant must document that the recommended training and deficiencies previously identified have been satisfied.

If the applicant does not correct the deficiencies within the one-year timeframe, the application shall be returned to the applicant without further action. The employee must submit a new application after the 1-year period if they wish to pursue certification as a Locatable Minerals Administrator.

2891.3 - Suspension or Revocation of Certification as Locatable Minerals Administrator

Allegations that may lead to revocation or suspension of a Locatable Minerals Administrator's certification status shall be directed by the certification panel Chairperson at the request of the Director, Minerals and Geology Management, Washington Office. The employee shall be afforded the opportunity to submit evidence on his or her behalf, either orally or in writing.

To revoke or suspend an individual's certification, the Director, Minerals and Geology Management, Washington Office, must conclude that a preponderance of the evidence shows that the individual has either:

1. Failed to adhere to the laws, regulations and guidelines that govern the Executive Branch ethics program, the United States Department of Agriculture ethics program, and Forest Service policy.
2. Been removed from Federal service for cause, resignation, separation, or retirement.
3. Failed to maintain the knowledge, skills, and abilities required for a Certified Locatable Minerals Administrator (FSM 2891.1).

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2891.4 - Appeals of Decisions Involving Locatable Minerals Administrator Certification Status

Appeals resulting from a denial of certification or suspension or termination of certification status must be submitted to the Deputy Chief, National Forest Systems, within 45 days from the date of the decision being appealed. The Deputy Chief's determination on certification is the final administrative determination.

2891.5 - Continuing Education for Locatable Minerals Administrators

A Certified Locatable Minerals Administrator is required to maintain and improve his or her skills, knowledge, and abilities through continuing education, experience, and professional affiliation.

2892 - CERTIFICATION FOR MINERAL EXAMINERS AND REVIEW MINERAL EXAMINERS

2892.02 - Objectives

The objective of the certification program for Mineral Examiners and Review Mineral Examiners is to maintain a cadre of employees who have the necessary qualifications to function in the locatable minerals program as Mineral Examiners and Review Mineral Examiners.

2892.03 - Policy

1. All employees who lead mineral examination functions shall be certified as a Mineral Examiner or Review Mineral Examiner to perform the following investigations and prepare the mineral reports for general mining law related activities:
 - a. Mining claim patent and validity examinations and reports.
 - b. Surface use determinations and reports.
 - c. Valid existing rights determinations and reports.
 - d. Classification investigations for issues related to common variety mineral materials.
 - e. Powersite withdrawal conflict investigations and reports.
 - f. Issues related to access and surface use reasonably incidental to private hard rock (non-energy) mineral estate.

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2. Individuals holding a Bureau of Land Management or a National Park Service certification in good standing may apply for certification as a Forest Service Mineral Examiner if they meet the knowledge, skills, and abilities outlined in FSM 2892.1.
3. When a Certified Review Mineral Examiner is no longer assigned the duties of a Certified Review Mineral Examiner, that individual may only perform the duties of a Mineral Examiner.
4. Individuals must be certified as a Review Mineral Examiner before they can be appointed to serve as a panel member.
5. Employees who are not a Mineral Examiner or a Review Mineral Examiner, but may need to enter abandoned and inactive underground mine workings and deep cuts to perform their jobs, shall be accompanied by a Mineral Examiner or Review Mineral Examiner qualified to conduct mine safety assessments and mineral surveys for abandoned/inactive underground mine workings and deep cuts. These employees must also obtain permission from the appropriate line officer in charge. The line officer shall consider the need of the employee to enter hazardous work areas, their training, and their work experience.

2892.04 - Responsibility

2892.04a - Deputy Chief, National Forest System

The Deputy Chief, National Forest System, has the responsibility to review an appeal concerning a decision to deny, suspend, or revoke an employee's certification status as a Certified Mineral or Review Mineral Examiner. The Deputy Chief, National Forest System, may appoint a Reviewing Officer to act in his or her behalf in reviewing an appeal. The appointed Reviewing Officer cannot be a member of the certification panel.

2892.04b - Director, Minerals and Geology Management, Washington Office

The Director, Minerals and Geology Management, Washington Office, is responsible for:

1. Appointing members on the certification panel and selecting a certification panel Chairperson from the certification panel members.
2. Reviewing certification panel recommendations.
3. Certifying applicants found qualified.
4. Notifying applicants found unqualified of actions needed to become qualified and procedures for filing an appeal.

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5. Initiating an investigation through the certification panel when there may be cause for revoking or suspending an employee's certification status.
6. Revoking or suspending a certification (FSM 2892.3) and, in the case of suspension, setting the period of suspension.
7. Maintaining the official record of each applicant.
8. Establishing the certification application questions and instructions.

2892.04c - Regional Office Director with Locatable Minerals Responsibilities, Regions 1, 2, 3, 4, 5, 6, 8, and 10

The Regional Directors with locatable minerals responsibilities in Regions 1, 2, 3, 4, 5, 6, 8, and 10 may assign the duty and responsibility to perform the technical review of mineral reports to a certified Mineral Examiner after the certification panel has determined that the certified Mineral Examiner meets the knowledge, skills, and abilities for a certified Review Mineral Examiner as described in section 2892.1.

2892.04d - Certification Panel Chairperson for Mineral Examiners and Review Mineral Examiners

The certification panel Chairperson is responsible for:

1. Managing and coordinating the certification program.
2. Designating a lead panel member for each application and assigning tasks to the panel members.
3. Periodically reviewing applications and panel member recommendations on certification for consistency.
4. Forwarding the evaluation of an applicant's qualifications and recommendations on certification to the Director, Minerals and Geology Management, Washington Office.

2892.04e - Certification Panel Members for Mineral Examiners and Review Mineral Examiners

The certification panel members for Mineral Examiners and Review Mineral Examiners are responsible for:

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1. Establishing a registration system for certified Mineral Examiners and for Review Mineral Examiners.
2. Establishing a record keeping system for applications, certification letters, correspondence, and other pertinent data.
3. Reviewing applications and preparing written recommendations on eligibility for certification, including recommendations on how unqualified applicants can achieve certification.
4. When requested by the Director, Minerals and Geology Management, Washington Office, investigating allegations that could lead to suspension or revocation.

2892.04f - Certified Review Mineral Examiner

A certified Review Mineral Examiner is responsible for performing or directing field examinations, providing a technical review for all mineral reports, and providing technical guidance to certified Mineral Examiners and mineral specialists.

2892.04g - Certified Mineral Examiner

A certified Mineral Examiner is responsible for performing or directing field examinations and providing technical guidance to mineral specialists.

2892.1 - Certification Panel Membership

The certification panel shall be comprised of five certified Review Mineral Examiners. If one of the five is on the Washington Office, Minerals and Geology Management staff, that person shall serve as coordinator to the Director, Minerals and Geology Management, Washington Office. If none of the five certification panel members is on the Washington Office, Minerals and Geology Management staff, the Director of Minerals and Geology Washington Office shall appoint an additional member to the panel from his or her staff to coordinate with the Washington Office and the certification panel. This appointed panel member shall be a non-voting observer, except when that panel member is a certified Review Mineral Examiner and the panel Chairperson requests that he or she serve as a substitute for an existing panel member to review an application.

2892.2 - Knowledge, Skills, and Abilities for Certification as a Mineral Examiner and Review Mineral Examiner

2892.21 - Certified Mineral Examiner

An applicant requesting certification as a Mineral Examiner must document his or her knowledge, skills, and abilities in the following areas:

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1. Qualification as a Mining Engineer (Series 880) or Geologist (Series 1350) as determined by the Office of Personnel Management (OPM) X-118 standards.
2. The ability to conduct mineral examinations for locatable minerals operations with a minimum of oversight, guidance, and direction.
3. The ability to prepare reports that meet agency-accepted technical standards including those found in the Bureau of Land Management Handbook H-3890-1 (Handbook for Mineral Examiners) and applicable Forest Service directives.
4. Successful completion of the following Bureau of Land Management (BLM) training courses or equivalent as recognized by the mineral examiner certification panel:
 - a. Course 3000-13, Mining Claim Validity Examination Procedures.
 - b. Course 3000-11, Mine and Beneficiation Cost Estimating and Economic Evaluation.
 - c. Course 3000-9, Placer Examination Techniques.
5. A working knowledge of the mining laws; mineral property evaluation; ore deposition and mineral deposits; and mineral exploration, mining, and processing methods.
6. Proficiency in field methods, such as geologic mapping, sampling theory and practice, surface and underground mine mapping, and so forth.

2892.22 - Certified Review Mineral Examiner

In addition to the requirements of a certified Mineral Examiner, an applicant requesting certification as a Review Mineral Examiner must document his or her knowledge, skills, and abilities in the following areas:

1. The ability to provide technical reviews of mineral reports involving a variety of locatable minerals operations.
2. Documentation that he or she has served as a lead examiner on patent and validity examinations, surface use determinations, valid existing rights determinations, and mineral material classifications.
3. Demonstrated mastery of mineral examination principles, including sampling, reserve estimation, economic analysis, and an application of the mining laws.
4. Demonstrated working knowledge of the current needs and practices of the mining industry.

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5. Demonstrated written and oral communication skills.

2892.3 - Certification Process for Mineral Examiner and Review Mineral Examiner

2892.31 - Application

2892.31a - Forest Service Employees Applying for Mineral Examiner Certification

A Forest Service employee requesting certification as a Mineral Examiner must submit two copies of an Application for Mineral Examiner Certification form (FSM 2892.8) and attachments documenting his or her knowledge, skills, and abilities required of a certified Mineral Examiner (FSM 2892.21).

2892.31b - Bureau of Land Management and National Park Service Employees Applying for Mineral Examiner Certification

Bureau of Land Management (BLM) and National Park Service employees requesting certification as a Forest Service Mineral Examiner must submit two copies of the following:

1. Documentation from the BLM's Mineral Examiner Certification Panel of certification as a Mineral Examiner for the Department of the Interior.
2. An Application for Mineral Examiner Certification form (FSM 2892.8) and attachments documenting knowledge, skills, and abilities required of a certified Mineral Examiner (FSM 2892.21).

2892.31c - Forest Service Employees Applying for Review Mineral Examiner Certification

A Forest Service employee requesting certification as a Review Examiner must submit two copies of an Application for Mineral Examiner Certification form, Part B (FSM 2892.8) and attachments documenting knowledge, skills, and abilities required of a certified Mineral Examiner (FSM 2892.22).

2892.32 - Panel Member Assignment of Application for Mineral Examiner or Review Mineral Examiner Certification

The Director, Minerals and Geology Management, Washington Office, or his or her designated representative, shall log in the application and forward it to the certification panel Chairperson who shall check the application for completeness and conformance with the requirements of the level of certification requested. If the application is complete, it shall be assigned to a lead panel member and two other panel members, as directed by the panel Chairperson. If the application is not complete, the panel Chairperson shall notify the applicant of the information needed.

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The applicant has 60 days from the date of the notification to supply the missing information. If after 60 days of the notification date the missing information is not supplied, the application shall be returned to the applicant with no further action.

2892.33 - Review and Recommendation on Application for Mineral Examiner and Review Mineral Examiner

The reviewing panel member shall make his or her recommendation of an applicant's qualifications in a fair and impartial manner, based upon an objective weighing of the evidence in the application (FS-2800-20). Panel recommendations shall be documented on a Certification Review Sheet (FSM 2892.8).

The panel Chairperson shall monitor the panel's review and request additional information from the applicant, when necessary.

If all three panel members agree that the applicant should be certified, the panel Chairperson shall recommend to the Director, Minerals and Geology Management, Washington Office, that the applicant be certified. If all three panel members agree that the applicant should not be certified, the panel Chairperson shall prepare a statement that explains the deficiencies that need to be corrected and advice for correcting them.

If the reviewing panel members cannot unanimously agree on the applicant's certification, the panel Chairperson shall request that the entire panel review and make a recommendation on certification. The panel's majority recommendation shall be forwarded to the Director, Minerals and Geology Management, Washington Office.

2892.34 - Decision on Application for Mineral Examiner and Review Mineral Examiner

The Director, Minerals and Geology Management, Washington Office, shall review the panel's recommendation and shall make a decision on certification. If the decision is to certify, the applicant shall be notified and his or her name added to the Service-wide list of certified Mineral Examiners or Review Mineral Examiners. If the decision is not to certify, the applicant shall be notified of the deficiencies that need to be corrected, advice on how they can be corrected, and appeal rights.

2892.35 - Reapplication for Certification as Mineral Examiner and Review Mineral Examiner

An employee may, within 1 year of notification that he or she did not qualify as a Mineral Examiner or Review Mineral Examiner, reapply for certification to the Director, Minerals and Geology Management, Washington Office. The applicant must document that the recommended training and deficiencies previously identified have been satisfied.

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If the applicant does not correct the deficiencies within the 1-year timeframe, the application shall be returned to the applicant without further action. The employee must submit a new application after the one-year period if he or she wishes to pursue certification as Mineral Examiner or Review Mineral Examiner.

2892.4 - Suspension or Revocation of a Mineral Examiner or Review Mineral Examiner Certification

Allegations that may lead to revocation or suspension of a Mineral Examiner or Review Mineral Examiner certification shall be directed by the certification panel Chairperson at the request of the Director, Minerals and Geology Management, Washington Office. The applicant shall be given the opportunity to submit evidence on his or her behalf either orally or in writing.

To revoke or suspend an employee's certification, the Director, Minerals and Geology Management, Washington Office, must conclude beyond a reasonable doubt that the individual has either:

1. Failed to adhere to the laws, regulations and guidelines that govern the Executive Branch, the United States Department of Agriculture, and the Forest Service.
2. Committed perjury in an administrative hearing.
3. Been removed from the Federal service for cause or resigned when notified of an impending notification of removal.
4. Failed to maintain his or her knowledge, skills, and abilities through continuing education (FSM 2892.6).

2892.5 - Appeals of Decisions Involving Mineral Examiner or Review Mineral Examiner Status

Appeals resulting from a denial of certification, or suspension or termination of certification status, must be submitted to the Deputy Chief, National Forest Systems, within 45 days from the date of the decision being appealed. The Deputy Chief's determination on certification is the final administrative level of appeal.

2892.6 - Continuing Education for Mineral Examiner or Review Mineral Examiner

Mineral Examiners and Review Mineral Examiners are expected to maintain and improve their knowledge, skills, and abilities through continuing education, experience, and professional affiliations. At least once every 3 years, certified Mineral Examiners and certified Review Mineral Examiners shall complete at least one of the following actions:

1. Participate in a mineral examination involving one of the categories listed in FSM 2892.03, paragraph 2;

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2. A training course on mineral examination procedures and standards; or
3. A training course on locatable mineral deposits or operations. Attendance at a trade show or a professional meeting may be used as partial fulfillment of this option.

2892.7 - Separation and Retirement as a Mineral Examiner or Review Mineral Examiner

Certification as a Mineral Examiner may be retained after separation from the Federal government. However, a certified Review Mineral Examiner may not perform a final technical review after separation.

2892.8 - Forms

1. Use Forms FS-2800-20, Application for Mineral Examiner Certification or Review Mineral Examiner Certifications, application when requesting certification as a Mineral Examiner or Review Mineral Examiner.
2. Ensure Form FS-2800-21, Certification of Review Sheet, is used by certification panel members when documenting an applicant's qualifications for certification as a Mineral Examiner or Review Mineral Examiner.

Both forms are available through website http://fsweb.wo.fs.fed.us/im/forms/fs_forms/index.htm

2893 - CERTIFICATION FOR OIL AND GAS RESOURCE SPECIALISTS

2893.02 - Objectives

The objectives for certifying Oil and Gas Resource Specialists are to:

1. Maintain a cadre of employees who have the necessary qualifications to successfully administer oil and gas resource programs on National Forest System (NFS) lands.
2. Ensure that oil and gas operators on NFS lands are performed in a safe and orderly manner.

2893.03 - Policy

1. Personnel performing technical reviews of surface use plan of operations on Federal oil and gas leases or for reserved and outstanding minerals shall be certified as Oil and Gas Resource Specialists or work under the supervision of a certified Oil and Gas Resource Specialist while pursuing certification.

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2. Ensure that the inspection, enforcement, and compliance proceedings are performed diligently and competently in accordance with Title 36, Code of Federal Regulations, sections 228.112 through 228.114.

2893.04 - Responsibility

1. Director, Minerals and Geology Management Staff, Washington Office. The Director, Minerals and Geology Management, Washington Office, has the responsibility to:

- a. Appoint one member from the Director's staff as a member of the Oil and Gas Resource Specialist certification panel.
- b. Grant certification status to employees found qualified after review and evaluation by the certification panel.
- c. Review and make decisions on appeals from an applicant found unqualified by the certification panel.

2. Regional Office Directors with Oil and Gas Responsibilities. Each Regional Office Director with oil and gas responsibilities shall appoint one certified Oil and Gas Resource Specialist from the Director's staff as a member of the Oil and Gas Resource Specialist certification panel.

3. Certification Panel. There shall be a service-wide Oil and Gas Resource Specialist certification panel consisting of one panel member from each Region and one member from the Minerals and Geology Staff in the Washington Office. Position descriptions for incumbent panel members shall be amended to reflect panel duties.

The Oil and Gas Resource Specialist certification panel is responsible for:

- a. Establishing the application questions and instructions.
- b. Providing, upon employee request, an application package.
- c. Verifying that the minimum experience level has been met.
- d. Processing, reviewing, and evaluating the application.
- e. Notifying applicants of certification panel's decision and, if the applicant is not certified, the certification panel's recommendations for achieving certification.
- f. Providing written notification to the Director, Minerals and Geology Management, Washington Office, of applicants deemed qualified by the certification panel.
- g. Maintaining appropriate records for processing of applications.

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2893.1 - Minimum Experience for Certification

All applicants requesting certification as an Oil and Gas Resource Specialist must have completed the following tasks:

1. Served at least twice as the primary Forest Service representative conducting on-site reviews for surface use plans of operations associated with Federal leases or reserved and outstanding minerals;
2. Prepared conditions of approval for an Application for Permit to Drill surface use plan of operations; and
3. Inspected at least five, well site locations with an approved surface use plan of operations; documenting the results of the inspection; and notifying the operator of remedial actions required to mitigate unacceptable conditions, if warranted. At least two of the five inspections must be of drilling operations.

2893.2 - Certification Process

1. The applicant shall contact a certification panel member to obtain an application, instructions, and the set of questions used to evaluate the applicant's qualifications for certification.
2. The applicant shall submit a written statement documenting their qualifications to act as the on-site Forest Service representative in administering oil and gas operations under Title 36, Code of Federal Regulations, Part 228, subpart E. In addition, the applicant shall provide written answers to questions that are designed to test the applicant's knowledge, or provide a brief summary of the applicant's knowledge of the following areas:
 - a. Geologic and technical considerations for surface use plans of operations.
 - b. Hazards and safety aspects associated with surface use plans of operations.
 - c. Federal oil and gas laws and regulations.
 - d. Private mineral rights and related operations.
 - e. Federal lease rights.
 - f. Geophysical operations.
 - g. Application for Permit to Drill/Surface Use Plan of Operations and Sundry Notice processing and inspection.

The steps and procedures governing certification are found in exhibit 01.

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2893.2 - Exhibit 01

Steps in Certification Process

STEP 1 - APPLICATION

<u>Affected Person or Unit</u>	<u>Action</u>
1. Interested employee	1. Requests application package from certification panel member.
2. Certification panel member	2. Provides application package.
3. Applicant	3. Completes application package and returns to certification panel member.

STEP 2 - REVIEW

4. Certification panel member	4. Verifies applicant's experience based on contact with employee's supervisor, review of the employee development folder, or personal knowledge. If applicant meets the minimum job experience of FSM 2893.1, forwards the application to two other certification panel members for review and evaluation and also reviews and evaluates the application. If the applicant does not meet the minimum experience requirement, returns the application to the applicant and advises the applicant and the applicant's supervisor how the minimum experience can be accomplished through training and other developmental opportunities.
5. Second certification panel member	5. Reviews and evaluates the application package.
6. Third certification panel member	6. Reviews and evaluates the application package.
7. First certification panel member	7. Initiates conference call to other certification panel members involved in the review and evaluation of the application. Summarizes the evaluations.

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2893.2 - Exhibit 01--Continued

Affected Person or Unit

Action

a. If two of three reviewers agree that the applicant exhibits sufficient knowledge in each of the seven areas to function as a field representative of the Forest Service in administering the oil and gas regulations at 36 CFR Part 228, subpart E, the first certification panel member shall notify the Director of Minerals and Geology, Washington Office, in writing that the applicant is qualified to be certified.

b. If two or more reviewers find the applicant does not qualify, the first certification panel member notifies the applicant and the applicant's supervisor of available training and developmental opportunities to achieve qualifications and returns the application to the applicant.

STEP 3 - CERTIFICATION

8. Director of Minerals and Geology Management, Washington Office

8. When deemed qualified by the certification panel, issues a certificate and adds the name of the specialist to the service-wide list of certified Oil and Gas Resource Specialists.

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2893.3 - Unqualified Applicants

Upon completion of the recommended training, or once an employee believes he or she has obtained equivalent training, the employee may submit a new application by answering only that section of the questionnaire previously not answered correctly. The new application is sent to a certification panel member who begins the review process outlined in FSM 2893.2, exhibit 01.

2893.4 - Appeals

Applicants found unqualified may appeal the decision of the certification panel to the Director, Minerals and Geology Management, Washington Office. There is no special form for an appeal, but the appeal must state why the applicant believes the decision is in error. Appeals must be filed within 45 days from the date of the decision being appealed. Appeals shall be decided by the Director, Minerals and Geology Management, Washington Office, and issued in writing. The decision by the Director, Minerals and Geology Management, Washington Office, on a certification request is the final administrative action.

2893.5 - Retirement and Separation

Certification as an Oil and Gas Resource Specialist may not be retained after resignation, retirement, or removal from the Forest Service for cause.

2893.6 - Continuing Education

In addition to certification, certified Oil and Gas Resource Specialists are encouraged to maintain and improve their skills, knowledge, and abilities through continuing education, experience, and professional affiliation in the following subjects:

1. Well completion techniques.
2. Well drilling techniques.
3. Oil and gas exploration methods.
4. Royalty accounting.
5. Producing techniques.