

1.0 Introduction

The Bureau of Land Management (BLM) is delegated the authority to manage development of the Nation's coal and non-energy leasable mineral resources on Federal lands. The BLM also assists the Bureau of Indian Affairs (BIA) and/or Native American tribes and allottees with the management of solid mineral resources that are held in trust for a tribe or allottee. A principal BLM responsibility is to inspect and verify production on coal or solid mineral leases to ensure that the lessees are following approved coal resource recovery and protection plans (mine plans) or non-energy mine and reclamation plans, and that the correct production quantities and qualities are being reported to the Office of Natural Resources Revenue (ONRR). (See Secretary of the Interior Secretarial Order 3299A1 concerning the reorganization of the Minerals Management Service for royalty payment purposes.) The certification of BLM Mineral Mine Inspectors (MMI) will ensure that the MMIs possess the necessary knowledge, skills, and abilities to effectively perform these duties.

The Subcommittee on Royalty Management, in its report submitted December 17, 2007, to the Royalty Policy Committee, recognized the need for the BLM to certify mine inspectors in Recommendation 3-34 stating, "BLM should establish a formal procedure to certify mine inspectors, including appropriate education and experience criteria."

The BLM Assistant Director, Minerals and Realty Management, is responsible for the overall administration of this certification program. The BLM State Directors (SD) are responsible for certifying MMIs in their respective states, and the BLM Deputy State Directors (DSD), in turn, ensure that MMIs who require certification are scheduled to receive the required training, field experience, and continuing education so that the MMIs can be certified within a reasonable time and maintain their certification thereafter.

Certification is not intended to become a requirement of qualification for employment, nor is it intended to establish a hierarchy of MMIs. However, a promotion panel or selecting official may consider MMI certification when selecting the best applicant for a position, if the position description requires working as an MMI.

2.0 MMI Scope of Work

2.1 Commodities

The MMI's scope of work includes authorizations for coal (43 CFR Group 3400), oil shale (43 CFR Group 3900) and other leasable non-energy solid minerals (43 CFR Group 3500).

2.2 Inspections

The MMI will periodically inspect exploration and mining operations to ensure that approved plans are being followed, mineral resources are not being wasted, trespasses are not occurring, specific requirements of a lease, license, or permit are being met, and compliance with other applicable requirements.

2.2.1 Lease Inspection Requirements

	Active Mining Operations	Inactive Mining Operations	Abandoned Mines
Definition	Any mineral severance or sale of minerals from within the lease or the mine permit area that contains a Federal lease.	A lease is inactive if there has been no mineral production from within a mine permit area that contains the subject lease for a period of 12 consecutive months or more.	A mine is considered abandoned if there are no identifiable owners or operators for the facilities, or if the facilities have reverted to Federal ownership.
Inspection intervals	Leases that are severing or selling minerals must be inspected at least once during every 3-month period.	The lease must be inspected at least annually.	An MMI may inspect surface facilities as needed. An MMI will never enter an abandoned mine.
Lessee's representative	An MMI must be accompanied by the lessee or designated mine operator, or designee, during any inspection.	An MMI is encouraged to invite the lessee or designated mine operator, or designee, to accompany the inspection.	A MMI is encouraged to invite the lessee or designated mine operator, or designee, to accompany the inspection.

2.2.2 Exploration Inspection Requirements

The following list of inspection considerations is provided for illustrative purposes as every case has unique requirements and circumstances. An exploration inspection may include any of the following topics:

- Reclamation performance for bond release.
- Compliance with the exploration plan or license requirements including:
 - Drilling locations,
 - Equipment used,
 - Drilling procedures used,
 - Appropriate plugging of the drill holes, and
 - Reclamation of the drilling site and access roads.
- Data acquisition methods and chain of custody of samples.
- Need for changes to an exploration plan.
- Abandonment of drill holes or other sample gathering locations.
- Surface owner satisfaction with reclamation efforts.
- Other items as required.

2.3 Enforcement

The MMI will provide the lessee, licensee, permittee, or mine operator notification when inspection activities discover or determine that the exploration or mining operation is not in compliance with the regulations, the terms and conditions of the authorization, or the approved exploration or mine plan. The MMI must also notify the lessee, licensee, permittee, or mine

operator if it is determined that mineral resources are being wasted or that trespass has occurred. The notification must clearly state the following:

- Identification of the deficiency and date when the deficiency is known.
- The dates and details of any personal communication concerning the deficiency.
- Specific instructions for corrective actions.
- Advice of possible consequences of continued non-compliance.
- Information concerning appeal rights.

2.4 Production Verification

The MMI will routinely perform production verification (PV) to independently verify the quantity and quality of minerals produced to ensure that lessees or mine operators are accurately reporting production.

2.5 Mining Plan Review

The MMI will review and provide appropriate recommendations concerning new or proposed modifications to mine plans. The MMI will recommend approval, approval with special conditions, or rejection of the mining plan or mining plan modification.

3.0 Education and Experience Requirements

3.1 The preferred educational background for an MMI is a Bachelor of Science (B.S.), Master of Science (M.S.), or Doctoral (PhD) degree from an accredited college or university in mining engineering, geological engineering, civil engineering, or geology. These applicants may be certified immediately after successfully completing all mandatory safety and MMI task training requirements.

Persons with similar degrees in related fields of study may be certified after successfully completing all mandatory safety and MMI task training requirements, and working under the oversight of a certified MMI for at least 6 months concurrent with, or subsequent to, successful completion of those requirements.

3.2 Persons with Associate Degrees

Persons with Associate Degrees in earth sciences, construction or building technology, mining or related fields may be certified if they have worked in professional positions in the mining industry for at least 2 years, have successfully completed all mandatory safety and certification training requirements, and have worked under the oversight of a certified MMI for at least 1 year concurrent with, or subsequent to, successful completion of those requirements.

3.3 Persons without College Degrees

Persons without college degrees may be certified if they have worked in professional positions in the mining industry for at least 4 years, have successfully completed all mandatory safety and certification training requirements, and have worked under the oversight of a certified MMI for at least 1 year concurrent with, or subsequent to, successful completion of those requirements.

4.0 Mandatory Training Requirements

4.1 Mine Safety Training

4.1.1 Employees with BLM Mine Inspector Duties as of August 13, 2009

Those persons with assigned mine inspector duties as of August 13, 2009, will not be required to enroll in new miner training.

4.1.2 Employees First Assigned MMI Duties On or After August 14, 2009

All persons who are first assigned MMI duties on or after August 14, 2009, must complete Mine Safety and Health Administration (MSHA) new miner training as soon as possible. MSHA new miner training may be provided by a variety of sources including the National Training Center (NTC) or other vendors (i.e., local community colleges, some universities, or the mine itself are all acceptable sources of this training). In all cases the new miner training must comply with MSHA standards at 30 CFR 48. All training provided by vendors must be approved in advance of the class by the appropriate Deputy State Director (DSD).

4.1.3 Employees Who Have Achieved Experience Miner Status Under MSHA Regulations

An MMI, regardless of date when s/he is first assigned MMI duties, that has achieved the status of Experienced Miner under MSHA regulations, is not required to repeat new miner training.

4.1.4 Annual Safety Refresher Training

Each MMI must annually complete an 8-hour mine safety refresher course. The annual mine safety training may be available online or by video and may be tailored to the operations that are being inspected. The annual mine safety training can be provided by an MSHA-approved instructor or other sources that are approved in advance by the DSD. The annual mine safety training is mandatory to maintain MMI certification.

4.1.5 Mine Specific Hazard Training

Mining companies are required by MSHA to ensure that all persons who do not regularly work at the mine but that will be entering the mine (30 CFR 48.2(a)(2) and 48.22(a)(2)) be trained in mine-specific hazard recognition, self-rescuer equipment use, and special mine-specific safety conditions before being allowed to enter the mine (30 CFR 48.11 and 48.31). All BLM employees must be accompanied by a mine employee at all times during any mine inspection. Mine-specific hazard training must be repeated annually for each mine the MMI inspects.

4.2 Technical Knowledge Management

4.2.1 Mineral Mine Inspector Task Training

The MMI course will be developed through the NTC and will be modeled after the previously offered "Solid Leasable Mineral Development and Mining" course (BLM Course 3000-58). During the course, the student will be provided copies of, or electronic links to, relevant solid leasable mineral guidance (i.e., handbooks, manuals, Memorandums of Understanding (MOU), Instruction Memoranda (IM), Information Bulletins (IB)), and will receive specific training concerning inspection and enforcement (I&E), PV, and mine plan or resource recovery and protection plan (R2P2) review. This class will be offered through distance learning technology.

Prospective MMIs are encouraged to also take the Legal Descriptions and Land Status (BLM Course 2000-01DL) course that is offered by the NTC. This course can be used to fulfill the continuing professional development requirement.

The student will learn how to plan and conduct I&E inspections, obtain useful measurements for independently performing PV, and calculate production quantities and qualities for various solid minerals. The student will also be introduced to using the Legacy Rehost System (LR2000) data system to document the completion of I&E and PV as well as ONRR databases to obtain reported production data. Further, the student will learn the regulatory requirements for complete mine plans or R2P2s, how to evaluate these plans, and how to make appropriate recommendations to management.

The student will be trained in the development of mine-specific I&E and PV plans. These plans document step-by-step I&E and PV office and field procedures and timeframes to be followed for each mining operation. The plans should include the most recently approved mine plan, a map to the operation, emergency MSHA and mine contact information, production flow charts, the locations of stockpiles, scales, points of royalty determination and/or points of sale, and lease-specific requirements. These plans will serve as guides to the MMI to ensure that inspections and PV are completely and efficiently performed.

4.2.2 Continuing Professional Development

An MMI is required to continue his or her professional education and training to maintain certification. The professional development requirement can be met by completion of an average of 8 professional development hours (PDH) per year during any 5-consecutive year period. The continued education class must advance the inspector's knowledge of MMI duties. Courses that meet this continued education requirement are available from the NTC or outside sources, in a classroom or field environment, online, or by video. This requirement is met by completion of 40 PDHs of class work during a rolling 5-year average. For example, completing a 40-PDH training course in year 1 will satisfy the annual refresher training requirement for years 1, 2, 3, 4, and 5. However, additional training is advisable in years 4 or 5 to maintain MMI certification into year 6.

Each DSD will determine if a specific training course is applicable to meeting this requirement for his or her staff. To this end, each state office may develop a list of acceptable professional development courses that the state office determines to be useful in complementing the professional development requirement. Acceptable training may be offered by the NTC including courses in solid mineral leasing, post-lease administration, National Environmental Policy Act (NEPA), land use planning, etc. Outside sources and other government agencies, such as MSHA, National Institute of Occupational Safety and Health, and the U.S. Forest Service, may offer acceptable professional development training. Technical conferences, university courses, and on-the-job cross-training are acceptable as long as the course or experience enhances the inspector's knowledge. In all cases the inspector is encouraged to consult with his or her immediate supervisor and/or DSD prior to registration to ensure that the course will be applicable for meeting this requirement.

The inspector should notify his or her DSD in writing each year prior to the anniversary of MMI certification that he or she has completed the required annual refresher training. Certification will automatically become inactive if the inspector does not comply with the refresher training requirements.

4.3 Mentoring

As discussed under “3.0 Education and Experience Requirements,” some prospective inspectors must work under the oversight of a certified inspector for various periods of time. This should include on-the-job training of the prospective inspector in the office and on-mine inspections with the goal of gaining the necessary experience to be able to demonstrate his or her ability to independently perform I&E and PV as well as make appropriate mine plan or R2P2 review recommendations. Reports completed by the prospective inspector should be reviewed and co-signed by the mentoring certified inspector.

4.4 Confined Space

The BLM safety program requires training in confined space. Entry into any inactive mine working can only be performed after appropriate training for entry into confined spaces. This requirement is in addition to all of the other required training noted above. This requirement applies to all MMIs regardless of experience.

4.5 Training Records

The NTC has the responsibility to maintain all official training records. The DSD or designated representative must at least annually coordinate with the NTC to ensure that all official training records are current. Assistance to update the official training records can be obtained from the NTC or the state office Training Officer.

Each MMI is encouraged to periodically review his or her official training records to ensure the records are accurate.

5.0 The Certification Process

5.1 Submittal of Applications

Applications for certification should be submitted to the prospective inspector’s DSD, or other delegated authority. All applications must be accompanied by recommendations from the mentoring MMI, as applicable, and from the prospective inspector’s immediate supervisor. The DSD will review the application for completeness, review the qualifications, and recommend a decision to the SD. If the decision is affirmative, such certification will be noted in the official personnel file of the MMI. DSDs may delegate these responsibilities to the state Solid Minerals Branch Chief, or a similar position, if appropriate.

5.2 Current BLM Mine Inspectors

All BLM employees performing MMI duties as of August 14, 2009, will be certified by their respective SDs if they meet the education and experience requirements. Certification will be maintained thereafter by completing the annual safety training and professional development requirements.

5.3 Certification Acknowledgement

Successful applicants will be presented with a letter of acknowledgement signed by the SD. Applicants denied certification should receive a letter from the DSD explaining any deficiencies in the applicant’s education, training, or experience and a detailed description of the further work or training needed to meet the certification requirements.

5.4 Filing and Storage of MMI Certification Files

Confidential file systems will store the applications, copies of letters of certification or denial, correspondence, and other pertinent data.

6.0 Certification Standards and Requirements

6.1 Knowledge, Skills and Abilities

The MMI must demonstrate adequate knowledge, skills, and abilities in mine inspection practices, basic mine surveying, mine map reading and comprehension, basic mine geology, mine design principles, equipment capabilities, blasting technology, rock mechanics, processing and refinement, surveying, mineral assaying, reserve calculation, and electronic data processing including Geographic Information Systems (GIS). The MMI must also be capable of determining whether the lessee or operator is performing in accordance with the terms and conditions of the leases and the conditions of approval of the mine plans or R2P2s and whether the lessee or operator is accurately reporting and tracking mineral production. Knowledge of state, Federal, and BLM regulations and mining industry principles, practices, and techniques is necessary to be able to identify violations.

6.2 Certification Decision Based on the Record

The decision to certify an MMI must be based on the record presented in the application. The application should document the prospective MMI's qualifications regarding educational credentials, training, demonstrated ability to satisfactorily complete I&E and PV duties, and exercise of professional judgment concerning recommending approval or modification of mining plans or R2P2s.

6.3 Certification Limitations

Only certified personnel will be assigned independent responsibility for I&E, PV, and recommending approval or modification of mining plans.

Certification as an MMI may be limited to a specific type of mining operation (i.e., underground, surface, in-situ) and/or the mineral commodity being extracted (i.e., coal, phosphate, trona). The DSD has the discretion to recommend limited MMI certification to the SD based on the demonstrated knowledge, skills, and abilities of the prospective MMI. The MMI certificate will prominently note the limitations.

An MMI may apply at any time, through the process established in Section 6 of this policy, to amend his or her certification to remove any limitations. The MMI's application must demonstrate sufficient experience and training to merit amendment of his or her MMI certification.

7.0 Denial of Certification Re-application

A denial of MMI certification does not prejudice the applicant. The DSD or SD must explain in writing to the MMI applicant exactly why his or her MMI application was denied and what actions can be taken to correct or supplement the application. Any applicant denied certification may re-apply at any time he or she believes the MMI minimum requirements have been met and that specific issues identified in the denial letter have been addressed. The DSD should retain all denied applications with the expectation that the applicant may re-apply in the future.

8.0 Request for Reconsideration

Any applicant denied certification may request reconsideration of his or her application in writing, clearly stating the grounds for the requested reconsideration. This may be appropriate if denials of certification were possibly caused by insufficient or unclear information in the applicant's certification application package.

9.0 Appeals

9.1 Appeal Rights

Any applicant denied certification by his or her DSD may appeal to his or her SD. A statement of reasons detailing the specific items of disagreement, either of facts or of procedures, and a copy of the denial letter must be submitted to the SD within 60 days of receiving the decision.

9.2 Review of Appeal

The SD will appoint a reviewer, preferably a certified MMI, or a team to review the case file and submit a written report to the SD with findings and recommendations.

9.3 Appeal Decision

The SD will issue a written decision to the applicant, with a copy to the DSD. The SD will review the recommendations of the DSD or the review team to affirm the denial of certification, remand the case for further analysis, or grant certification.

10.0 Revocation or Suspension of Certification

10.1 Reasons for Revocation or Suspension

Certification may be revoked or suspended for a fixed period for any of the following causes:

- Failure to adhere to accepted professional and Departmental standards in the performance of inspector duties.
- Perjury in an administrative or court hearing.
- Conflict of interest that interferes with the proper handling of a case.
- Conduct involving a violation of the public trust, misappropriation of government property, conviction of a felony, or other conduct prohibited to Federal employees.

10.2 Procedures

The DSD will require an investigation of the allegations of acts that may require revocation or suspension. If probable cause is found, the DSD will hold a hearing at which the individual in question and other interested parties or their representatives will be allowed to appear and present evidence. For certification revocation or suspension, substantial evidence must exist that a violation of Section 10.1 above has taken place. An individual may appeal suspension or revocation according to the procedures described in Section 9.0.

11.0 Annual Reporting

Within 60 days after the end of each fiscal year, the SD or DSD will report to the Assistant Director, Minerals and Realty Management, the certification status of the MMI's that are under their supervision. The report will include the name of the MMI and the percentage of

completion each individual has achieved in their MMI certification, annual safety training, and professional development requirements. A brief explanation must be provided for individuals that did not achieve the minimum training requirements. A brief description of the professional development activities completed must also be provided in this report. An example format for the annual report is provided in Attachment 3.