

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 2800 – Minerals And Geology
Chapter 2890 - Certification**

Amendment: 2800-2014-1

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Approved by: Brian Ferebee, Acting Associate Deputy Chief

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Responsible Staff:

Last Change: 2800-2012-1 to 2800_zero_code.

Superseded Document(s): 2890, Amendment 2800-2007-4, August 03, 2007

Digest: Following is an explanation of the changes throughout the directive by section.

2890.4: Removes codes and captions.

2891.04a: Shifts appeal review and response from the Deputy Chief to the Director, Minerals and Geology Management (MGM), Washington Office.

2891.04b: Moves certain administrative responsibilities to the Assistant Director, Minerals and Geology Management, Washington Office.

2891.04c: Assigns responsibility for Certified Mineral Administrators (CMA) Certification Panel membership to Regional Directors.

2891.04e: Assigns additional responsibilities to the Certification Panel Chairperson.

2891.04f: Clarifies CMA Certification Panel membership and responsibilities.

2891.04g: Increases the maximum bond amount that a Level I CMA can manage to \$500,000.

2891.2: Shifts CMA application administrative responsibilities to the Certification Panel Chairperson.

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2891.3: Clarifies that certification automatically terminates upon separation from the Forest Service.

2891.4: Shifts appeal review and decision authority to the Director, Minerals and Geology Management, Washington Office.

2891.5: Clarifies and adds additional qualifying activities for continuing education.

2892.03: Removes the requirement that Certification as a Review Mineral Examiner is dependent upon the individual's position description.

2892.04a: Shifts appeal review and response from the Deputy Chief to the Director, Minerals and Geology Management, Washington Office.

2892.04b: Clarifies the role of the Assistant Director, Locatable Minerals, when assigning MGM employees for Certified Mineral Examiners (CME) and Certified Review Mineral Examiners (CRME) responsibilities in support of Regional programs.

2892.04c: Clarifies the role of the Regional Directors when assigning CME and CRME duties.

2892.04d: Expands on the responsibilities of the certification panel Chairperson.

2892.04e: Moved from FSM 2892.1. Adds that panel membership should be maintained between 2 and 5 plus the Chairperson.

2892.11: Adds that mock field exams may be developed for those prospective CMEs who have completed the required CME courses, but have not had the opportunity to complete the required field work.

2892.21a & 21c: Adds that applications for CME and CRME will be submitted to the Certification Panel Chairperson.

2892.22: Shifts CME and CRME application and reapplication administrative responsibilities to the Certification Panel Chairperson.

2892.5: Clarifies and adds examples of acceptable trade shows and professional meetings for continuing education requirements for CMEs and CRMEs.

2893.02: Revises 'operators' to 'operations'.

2893.03: Revises policy statements for Oil and Gas Certifications to include responsibility for administering reserved and outstanding mineral rights.

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2893.04: Clarifies responsibilities of the Director, Minerals and Geology Management, Washington Office; adds sections for specific responsibilities of the Assistant Director for Leasable Minerals, Minerals and Geology Management; Regional Directors with Oil and Gas Program Responsibilities; Forest Supervisors, and the Certification Panel.

2893.1: Adds attendance to Oil and Gas Administration Course to Minimum Requirements for Certification, and adds requirements related to administration of reserved and outstanding mineral rights.

2893.2: Adds requirements related to administration of reserved and outstanding mineral rights; makes other general editorial revisions; and revises or clarifies actions required on the part of the applicant, Certification Panel, and Panel Chairperson in exhibit 01. Also adds language about Certification Panel opportunity to create mock projects to assist an applicant with gaining required experience.

2893.4: Adds language regarding recertification of previously certified retired employees.

2893.5: Adds references to lists of items for continuing education.

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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 minerals and oil and gas resources 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.

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.
2. Employees who perform administration of locatable minerals operations shall be certified as a Locatable Minerals Administrator (also referred to as a Certified Minerals Administrator (CMA). 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 Minerals Administrator. During this time of oversight and guidance, the Certified 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 - Director, Minerals and Geology Management, Washington Office

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

1. Certifying applicants found qualified based upon the recommendation of the Assistant Director, Locatable Minerals.
2. Reviewing appeals concerning decisions to suspend or revoke an employee's certification status; the Director, Minerals and Geology Management, Washington Office, may appoint a Reviewing Officer to act in his/her place in reviewing appeals. The appointed Reviewing Officer shall not be a member of the certification panel.

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

The Assistant Director, Locatable Minerals, is responsible for:

1. Appointing the Certification Panel Chairperson.
2. Working closely with the Regional Directors in making selections for the Certification Panel members, as discussed in FSM 2891.04c.
3. Approving the certification application questions and instructions developed by the Certification Panel.
4. Notifying applicants found unqualified of actions needed to become qualified.
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 2891.3) and, in the case of suspension, setting the period of suspension. Notifications shall include procedures for filing an appeal.

The Assistant Director, Locatable Minerals, will be notified by the Chairperson when recommendations for certification are forwarded by the Chairperson to the Director, Minerals and Geology Management, Washington Office.

2891.04c - Regional Director with Locatable Minerals Responsibilities in 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 shall assign one Certified Minerals Administrator from their Region to be a member of the certification panel. This employee must be a Level I or Level II CMA. If no employee is available for a specific Region, an MGM employee assigned to that Region may be substituted, upon agreement with the Assistant Director, Locatable Minerals.

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 policies set forth in FSM 2891.03.

2891.04e - Certification Panel Chairperson

The Certification Panel Chairperson shall be in addition to the Certification Panel members, and shall be a Level II CMA. There is no set term for this position. The Certification Panel Chairperson's name and contact information shall be posted on the Minerals and Geology intranet website at <http://fsweb.wo.fs.fed.us/mgm>.

The Certification Panel Chairperson is responsible for:

1. Managing and coordinating the certification program, including maintaining the official record of each applicant, and tracking the process of each application.
2. Working with the Certification Panel members to develop the certification application questions and instructions for approval by the Assistant Director, Locatable Minerals.
3. Assigning two panel members to review each application, and assigning other tasks to the panel members.
4. Reviewing applications and panel member recommendations on certification for consistency.
5. Forwarding the evaluation of an applicant's qualifications and recommendations on certification to the Director, Minerals and Geology Management, Washington Office. The Chairperson will notify the Assistant Director, Locatable Minerals when such recommendations are made.

6. When requested by the Assistant Director, Locatable Minerals, investigating allegations that could lead to the suspension or revocation of certification, and providing a recommendation for appropriate action to the Assistant Director, Locatable Minerals.
7. Notifying Certified Mineral Administrators when evidence of continuing education achievements is due. This will be done on a 3-year cycle (FSM 2891.5).
8. Informing Certified Minerals Administrators of courses and conferences available for career development through the National Minerals Training Office.
9. Developing and updating a mailing list of Certified Mineral Administrators, to be included in the Georoster on the Forest Service M&G intranet website.

2891.04f - Certification Panel for Mineral Administrators

A service-wide Minerals Administrator Certification Panel shall be maintained. Each member must be a Level I or Level II CMA. Refer to FSM 2891.04c for Certification Panel membership assignment procedures.

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 Certified Minerals Administrator

A Level I Certified 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 \$500,000.

2891.04h - Level II Certified Minerals Administrator

A Level II Certified 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 Certified Minerals Administrator

A Forest Service employee requesting certification as a Level I Certified Minerals Administrator must have completed the basic Minerals Administration course offered by the Forest Service, or its equivalent acceptable to the certification panel, and must be able to document their knowledge, skills, and abilities of locatable mineral operations in the following areas:

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1. Basic knowledge of mineral and environmental laws; locatable mineral regulations at Title 36, Code of Federal Regulations (CFR) 228, subpart A, locatable mineral policies and directives as set forth in FSM 2810, and pertinent case law.
2. The ability to evaluate Notices of Intent (FSM 2817.1), and to process and administer Plans of Operations, in accordance with 36 CFR part 228, subpart A, and the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.).
3. The ability to coordinate with other Federal agencies, such as the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service (NOAA Fisheries), and so forth, and applicable State Agencies during analysis, administration, closure, and reclamation of a locatable minerals operation.
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 Certified Minerals Administrator

In addition to the knowledge, skills, and abilities of a Level I Certified Minerals Administrator (FSM 2891.11), a Forest Service employee requesting certification as a Level II Certified 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 analysis for documentation in an Environmental Impact Statement under procedures prescribed in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 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 for 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 \$500,000 or more.

2891.2 - Certification Process for Minerals Administrators

2891.21 - Submitting Application for Certified Minerals Administrator

The application form for certification as a Mineral Administrator for both Level I and Level II is available on the M&G intranet website at <http://fsweb.wo.fs.fed.us/mgm>.

Applicants shall submit their applications and associated documents to the Certification Panel Chairperson. The name and contact information of the Certification Panel Chairperson is available on the M&G intranet website. Applicants shall submit two copies of each of the following documents:

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 Certified Minerals Administrator

The Certification Panel Chairperson shall log in the application and supporting documentation to a secure electronic location that only Certification Panel members have access. The Chairperson 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 two available Certification Panel members for review, neither of which shall be from the same Region as the applicant.

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 Certified Minerals Administrator

The two assigned Certification Panel members shall review the application and make a recommendation on certification to the Chairperson. The review may include interviews with supervisors and colleagues, and on-site visits to mineral operations where the applicant has developed for administered a Plan of Operations. If both panel members concur to certify the applicant, the recommendation for certification shall be forwarded to the Chairperson. If both

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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 Chairperson.

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

2891.24 - Decision on Application for Certified Minerals Administrator

The Assistant Director, Locatable Minerals, shall review the Certification Panel Chairperson's recommendation on certification. If the recommendation is to certify the applicant, that recommendation shall be forwarded to the Director, Minerals and Geology Management, Washington Office for certification. If the Director agrees with the recommendation, the applicant shall be certified and notified as such, and their name added to the service-wide certification list maintained by the Certification Panel Chairperson.

If the recommendation is not to certify the applicant, the Assistant Director, Locatable Minerals, shall notify the applicant and his or her supervisor, and provide them with a list of the deficiencies, and advice on how to correct those deficiencies, and their appeal rights.

2891.25 - Reapplication for Certified Minerals Administrator

An employee may, within 1-year of notification that they did not qualify as a Certified Minerals Administrator, submit an amendment to their application for certification to the Certification Panel Chairperson. The amendment must document that the recommended training and deficiencies previously identified have been satisfied.

If the applicant does not correct the deficiencies within the 1-year timeframe, the application shall be returned to the applicant without further action. If the employee still wishes to pursue certification under this part, the employee must submit a new application after the 1-year period.

2891.3 - Suspension, Revocation or Termination of Certification for Minerals Administrator

Allegations that may lead to revocation or suspension of a Certified Minerals Administrator's certification status shall be directed by the Director of Minerals and Geology Management. 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 Assistant Director, Locatable Minerals, 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 policies, or
2. Failed to maintain the knowledge, skills, and abilities required for a Certified Minerals Administrator (FSM 2891.1).

An employee's certification will automatically terminate upon the employee's resignation, separation, or retirement from the Forest Service.

2891.4 - Appeals of Decisions Involving Minerals Administrator Certification Status

Appeals of the decision by the Assistant Director, Locatable Minerals, to suspend or revoke certification status must be submitted to the Deputy Chief, National Forest Systems. There is no special form for an appeal, but the appeal must state why the employee believes the decision is in error. Appeals must be filed within 45 days from the date of the decision being appealed. The Deputy Chief's determination on certification status is the final administrative determination.

2891.5 - Continuing Education for Certified Minerals Administrators

A Certified Minerals Administrator is required to maintain and improve his or her skills, knowledge, and abilities through continuing education, experience, and professional affiliation. The following is a list of qualifying activities for continuing education that an individual may take to maintain Minerals Administrator certification:

1. Attendance at the Geology and Minerals Training Office (GMTO) National Minerals Administration course for a refresher.
2. Attendance at the GMTO National Advance Minerals Administration course.
3. Attendance at a Regional Minerals Administration workshop.
4. Restoration/Reclamation for Small, Abandoned Mines.
5. Attendance at other Forest Service training courses to be determined on a case-by-case basis.
6. Attendance at a national mining conference or minerals related non-Forest Service training to be determined on a case-by-case basis by the Certification Panel.

Achievements will be reported on a 3-year cycle to the Certification Panel Chairperson for review and recommendations to continuing certification.

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 lead mineral examination functions in the locatable minerals program.

2892.03 - Policy

1. All employees who lead mineral examination functions shall be Certified Mineral Examiners or Certified Review Mineral Examiners 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.

(Note: Mineral Potential reports for land transactions may be performed and reviewed by any Forest Service Geologist, as discussed in FSM 2885.03.)

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. Individuals must be certified as a Review Mineral Examiner before they can be appointed to serve as a panel member.

4. Employees who are not a Certified Mineral Examiner or a Certified 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 Certified Mineral Examiner or Certified Review Mineral Examiner, mining engineer, geologist, or physical scientist 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 (FSH 2809.15).

2892.04 - Responsibility

2892.04a - Director, Minerals and Geology Management

The Director, Minerals and Geology Management, Washington Office, is responsible for certifying applicants found qualified based on the recommendation of the Assistant Director, Locatable Minerals.

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

The Assistant Director, Locatable Minerals, is responsible for:

1. Appointing members to the Certification Panel and selecting a Certification Panel Chairperson from the Certification Panel members, based on their skill and experience.
2. Approving the certification application questions and instructions developed by the Certification Panel.
3. Notifying applicants found unqualified of actions needed to become qualified.
4. Initiating an investigation when there may be cause for revoking or suspending an employee's certification status.
5. Revoking or suspending a certification (FSM 2892.3) and, in the case of suspension, setting the period of suspension. Notifications shall include procedures for filing an appeal.

The Assistant Director, Locatable Minerals, will be notified by the Chairperson when recommendations for certification are forwarded by the Chairperson to the Director, Minerals and Geology Management, Washington Office.

To assist Regional minerals programs, and upon request from a Regional Director, the Assistant Director, Locatable Minerals, may assign the duty and responsibility to perform the minerals investigations and prepare the mineral reports for projects listed in FSM 2892.03, paragraph 1 to a Certified Mineral Examiner from among MGM employees, and assign the duty and responsibility to perform technical review of the mineral reports listed in FSM 2892.03, paragraph 1 to a Certified Review Mineral Examiner from among MGM employees.

2892.04c - Regional Director with Locatable Minerals Responsibilities in 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 minerals investigations and prepare the mineral reports for projects listed in FSM 2892.03, paragraph 1 to a Certified Mineral Examiner from among Forest Service employees of their specific Region, and assign the duty and responsibility to perform technical review of the mineral reports listed in FSM 2892.03, paragraph 1 to a Certified Review Mineral Examiner from among Forest Service employees of their specific Regional.

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

The Certification Panel Chairperson shall be a Certified Review Mineral Examiner. There is no set term for the position of Certification Panel Chairperson. The Certification Panel Chairperson's name and contact information shall be posted on the M&G intranet website at <http://fsweb.wo.fs.fed.us/mgm>.

The Certification Panel Chairperson is responsible for:

1. Maintaining the registration system for Certified Mineral Examiners and Certified Review Mineral Examiners.
2. Managing and coordinating the certification program, including maintaining the official record of each applicant, and tracking the process of each application.
3. Working with the Certification Panel members to develop the certification application questions and instructions for the Assistant Director's approval.
4. Designating a lead panel member and two other panel members for each application, and assigning other tasks to the panel members.
5. Reviewing applications and panel member recommendations on certification for consistency.
6. Forwarding the evaluation of an applicant's qualifications and recommendations on certification to the Director, Minerals and Geology Management, Washington Office. The Chairperson will notify the Assistant Director, Locatable Minerals when such recommendations are made.
7. Notifying Certified Mineral Examiners and Review Mineral Examiners when evidence of continuing education achievements is due. This will be done on a 3-year cycle (FSM 2892.5).

8. Developing and updating a mailing list of Certified Mineral Examiners and Review Mineral Examiners, to be included in the Georoster on the Forest Service M&G intranet website.

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

A service-wide Mineral Examiner Certification Panel shall be maintained. The Certification Panel shall be comprised of at least three Certified Review Mineral Examiners and the Panel Chairperson.

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.

2892.04f - Certified Mineral Examiner

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

2892.04g - Certified Review Mineral Examiner

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

2892.1 - Knowledge, Skills, and Abilities for Certification as a Mineral Examiner and Review Mineral Examiner

2892.11 - Certified Mineral Examiner

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

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.

In the event that prospective CME applicants are unable to complete the required field work discussed above because there are no currently available mineral exams for them to participate in, at the discretion of the Certification Panel, mock field exams and resultant reports may be developed to be used in lieu of an actual field exam. The criteria for these mock exams will be developed by the Certification Panel based on available field sites. These mock exams will contain all aspects of a real exam, except that no contest action could result from the report conclusions. These mock exams will be designed for an individual prospective CME and a CME co-author, and will not be a group training exercise.

2892.12 - 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.
5. Demonstrated written and oral communication skills.

2892.2 - Certification Process for Mineral Examiner and Review Mineral Examiner

2892.21 - Application

2892.21a - Forest Service Employees Applying for Mineral Examiner Certification

A Forest Service employee requesting certification as a Mineral Examiner shall submit two copies of form FS-2800-20 Part A, with attachments, documenting his or her knowledge, skills, and abilities required for certification, as described in FSM 2892.11, to the Certification Panel Chairperson. The name and contact information of the Certification Panel Chairperson is available on the Forest Service M&G intranet website.

The Certification Panel Chairperson shall use form FS-2800-21 (Certification Review Sheet) when documenting an applicant's qualifications for certification as a Mineral Examiner.

Both forms are available through the Forest Service forms website at <http://fsweb.fs.usda.gov>, and may also be obtained on the M&G intranet website at <http://fsweb.wo.fs.fed.us/mgm>.

2892.21b - 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 to the Certification Panel Chairperson:

1. Documentation from the BLM's Mineral Examiner Certification Panel of certification as a Mineral Examiner for the Department of the Interior.
2. Form FS-2800-20 Part A, with attachments, documenting his or her knowledge, skills, and abilities required for certification, as described in FSM 2892.11.

2892.21c - Forest Service Employees Applying for Review Mineral Examiner Certification

A Forest Service employee requesting certification as a Review Mineral Examiner must submit two copies of form FS-2800-20 Part B, with attachments, documenting his or her knowledge, skills, and abilities required for certification, as described in FSM 2892.12, to the Certification Panel Chairperson. The address of the Certification Panel Chairperson is available on the Forest Service M&G intranet website.

2892.22 - Panel Member Assignment of Application for Mineral Examiner or Review Mineral Examiner Certification

The Certification Panel Chairperson shall log in the application and supporting documentation to a secure electronic location that only Certification Panel members have access to. The Chairperson 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 for review.

If the application is not complete, the panel Chairperson shall notify the applicant of the information needed. 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.

2892.23 - Review and Recommendation on Application for Mineral Examiner and Review Mineral Examiner

The reviewing panel members shall make their recommendations of an applicant's qualifications in a fair and impartial manner, based upon an objective weighing of the evidence in the application. Panel recommendations shall be documented on the Certification Review Sheet (FS-2800-21).

The panel Chairperson shall monitor the reviewing panel members' analysis, 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 Assistant Director, Locatable Minerals, 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, and forward that statement to the Assistant Director, Locatable Minerals.

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

2892.24 - Decision on Application for Mineral Examiner and Review Mineral Examiner

The Assistant Director, Locatable Minerals, shall review the Certification Panel Chairperson's recommendation on certification. If the recommendation is to certify the applicant, that recommendation shall be forwarded to the Director, Minerals and Geology Management, Washington Office for certification. If the Director agrees with the recommendation, the applicant shall be certified and notified as such, and their name added to the service-wide certification list maintained by the Certification Panel Chairperson.

If the recommendation is not to certify the applicant, the Assistant Director, Locatable Minerals, shall notify the applicant and his or her supervisor, and provide them with a list of the deficiencies, and advice on how to correct those deficiencies.

2892.25 - 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 Certification Panel

Chairperson. 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 1-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 he or she wishes to pursue certification as Mineral Examiner or Review Mineral Examiner.

2892.3 - 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 investigated by the Deputy Chief, National Forest Systems. 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 Deputy Chief, National Forest Systems, 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 policies,
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, or
4. Failed to maintain his or her knowledge, skills, and abilities through continuing education (FSM 2892.5).

2892.4 - Appeals of Decisions Involving Mineral Examiner or Review Mineral Examiner Status

Appeals resulting from a suspension or revocation of certification status must be submitted to the Deputy Chief, National Forest Systems, Washington Office (FSM 2892.04a). 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. The Deputy Chief's determination on certification status is the final administrative determination.

2892.5 - 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-year, Certified Mineral Examiners and Certified Review Mineral Examiners shall attend the Forest Service's Certified Mineral Examiners Continuing Education Seminar, or 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;
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. Examples of acceptable trade shows or professional meetings include:

- a. Northwest Mining Association Convention
- b. Society of Mining Engineers Convention
- c. Mine Design, Operations and Closure Conference, Butte, Montana

Achievements will be reported on a 3-year cycle to the Certification Panel Chairperson for review and recommendations to continuing certification.

2892.6 - 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.

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 the oil and gas resource program on National Forest System (NFS) lands.
2. Ensure that oil and gas operations on NFS lands are performed in a safe and orderly manner, and that surface resources are protected and reclaimed in a fashion to support on-going land uses.

2893.03 - Policy

Forest Service employees involved with processing and/or administering oil and gas operations under 36 CFR 228, Subpart E on federal leases, or according to direction in FSM 2830 for reserved and outstanding minerals, shall be certified as Oil and Gas Resource Specialists, or work under the guidance and oversight of a certified Oil and Gas Resource Specialist while pursuing certification.

Those employees who are not yet certified but are assigned oil and gas administration duties are expected to obtain certification within 3-years of being assigned those duties.

2893.04 - Responsibility

2893.04a - Director, Minerals and Geology Management, Washington Office

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

1. Certifying applicants found qualified based on the recommendation of the Assistant Director, Leasable Minerals.
2. Reviewing appeals concerning decisions to suspend or revoke an employee's certification status. The Director, Minerals and Geology Management, Washington Office, may appoint a Reviewing Officer to act in his/her place in reviewing appeals. The appointed Reviewing Officer cannot be a member of the certification panel.

2893.04b - Assistant Director, Leasable Minerals, Minerals and Geology Management, Washington Office

The Assistant Director, Leasable Minerals, is responsible for:

1. Appointing the Certification Panel Chairperson.
2. Working closely with the Regional Directors in making selections for the Certification Panel members, as discussed in FSM 2893.04c.
3. Approving the certification application questions and instructions developed by the Certification Panel.
4. Notifying applicants found unqualified of actions needed to become qualified.
5. Revoking or suspending a certification (FSM 2893.2) and, in the case of suspension, setting the period of suspension. Notifications shall include procedures for filing an appeal.

The Assistant Director, Leasable Minerals, will be notified by the Chairperson when recommendations for certification are forwarded by the Chairperson to the Director, Minerals and Geology Management, Washington Office.

2893.04c - Regional Director with Oil and Gas Program Responsibilities

The Regional Directors with oil and gas program responsibilities shall assign one employee from their Region to be a member of the certification panel. This employee must be a Certified Oil and Gas Specialist. If no employee is available for the specific Region, an MGM employee may be substituted, upon agreement between the Regional Director and the Assistant Director, Leasable Minerals.

2893.04d - Forest Supervisors

Forest Supervisors with an oil and gas program on their units are responsible for maintaining a workforce skilled in oil and gas program administration. The Forest Supervisor is responsible for ensuring that employees assigned to process and/or administer oil and gas program activities have the necessary training to develop and maintain critical performance skills. Forest Supervisors are also responsible to ensure that employee job descriptions, training plans and supervision of these employees is consistent with the policy at FSM 2893.03.

2893.04e - Certification Panel Chairperson

The Certification Panel Chairperson shall be in addition to the Certification Panel members. There is no set term for this position. The Certification Panel Chairperson's name and contact information shall be posted on the M&G intranet website at <http://fsweb.wo.fs.fed.us/mgm>.

The Certification Panel Chairperson is responsible for:

1. Managing and coordinating the certification program, including maintaining the official record of each applicant, and tracking the process of each application.
2. Working with the Certification Panel members to develop the certification application questions and instructions for approval by the Assistant Director, Leasable Minerals.
3. Assigning a lead reviewer for each application and assigning tasks to the panel members.
4. Reviewing applications and panel member recommendations on certification for consistency.
5. Forwarding the evaluation of an applicant's qualifications and recommendations on certification to the Director, Minerals and Geology Management, Washington Office. The Chairperson will notify the Assistant Director, Leasable Minerals when such recommendations are made.
6. Informing Certified Oil and Gas Resource Specialists of courses and conferences available for career development through the Geology and Minerals Training Office.
7. Developing and updating a mailing list of Certified Oil and Gas Resource Specialists, to be put on the Georoster on the Forest Service M&G intranet website.

2893.04f - Certification Panel for Oil and Gas Resource Specialists

A service-wide Oil and Gas Resource Specialist Certification Panel shall be maintained. Refer to FSM 2893.04c for Certification Panel Membership assignment procedures.

The Oil and Gas Resource Specialist Certification Panel is responsible for:

1. Verifying that an applicant meets the minimum experience level.
2. Evaluating and making recommendations on the application.
3. Via the Certification Panel Chairperson, provide written notification to the Director, Minerals and Geology Management, Washington Office, of the panel's determination for an applicant's certification, or non-certification.
4. If the applicant cannot be certified, make recommendations for achieving certification.
5. Maintaining appropriate records for processing of applications.

Other specific duties of the Certification Panel are described in exhibit 01.

2893.04g - Certified Oil and Gas Resource Specialists

A Certified Oil and Gas Resource Specialist may oversee the processing and administration of all oil and gas activities on NFS lands.

2893.1 - Knowledge, Skills, and Abilities for Certification

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

1. Attended and received credit for the Geology and Minerals Training Office Oil and Gas Administration Course.
2. Served at least twice as the primary agency representative conducting on-site reviews for surface use plans of operations (SUPO) associated with federal leases, and/or on review of an operating plan for reserved or outstanding minerals.
3. Prepared Conditions of Approval (COAs) for a surface use plan of operations (SUPO) associated with a federal lease; and/or negotiated acceptable terms with the operator and prepared applicable notice to proceed documentation for surface use on reserved and outstanding mineral estates where the surface estate is federally managed.
4. Inspected at least five well site locations with an approved surface use plan of operation (SUPO on a federal lease), or operating plan/notice to proceed (on reserved or outstanding mineral estate); documented results of the inspection; notified operator of remedial actions (if any) required to mitigate unacceptable condition (including need for additional negotiation on reserved or outstanding mineral estates). Two of the five inspections must be of drilling operations; these inspections can be either on all federal leases, reserved or outstanding mineral estate, or a combination of both types of mineral estates.

Applicants must also be able to demonstrate their knowledge, skills, and abilities to:

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1. Act as the on-site agency representative in administering oil and gas operations under Title 36, Code of Federal Regulations, Part 228, subpart E, and/or
2. Act as the primary Forest Service representative in negotiating acceptable terms with an operator for surface use related to accessing reserved or outstanding mineral rights where the surface is federally managed per direction in FSM 2830.
3. Evaluate geologic and technical considerations for surface use plans of operations (SUPO) on a federal lease.
4. Identify hazards and safety aspects associated with oil and gas exploration and development.
5. Demonstrate knowledge of federal oil and gas laws and regulations.
6. Administer reserved and outstanding mineral rights and related operations.
7. Describe the federal leasing process, lease rights and stipulations.
8. Evaluate geophysical operations.
9. Process and inspect the Surface Use Plan of Operations (SUPO) of an Application for Permit to Drill, and Sundry Notices.

2893.2 - Certification Process

The application form for certification as an Oil and Gas Resource Specialist is available on the M&G intranet website at <http://fsweb.wo.fs.fed.us/mgm>.

Applicants shall submit their application and associated documents to the Certification Panel Chairperson. The name and contact information of the Certification Panel Chairperson is available on the M&G intranet website.

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

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 form from Certification Panel Chairperson or downloads form from WO M&G intranet website.
2. Certification Panel Chairperson	2. Provides application form when requested.
3. Applicant	3. Completes application form and returns to Certification Panel Chairperson.

STEP 2 - REVIEW

4. The Certification Panel Chairperson assigns three members of the Certification Panel cadre to review the application, and designates a Lead Reviewer.	4. The Lead Reviewer verifies applicant's experience based on contact with employee's supervisor, review of the employee development folder, or personal knowledge. If the applicant does not meet the minimum experience requirement, advises the Certification Panel Chairperson to return the application to the applicant, and prepares advice for the applicant and the applicant's supervisor how the minimum experience can be accomplished through training and other developmental opportunities. If applicant meets the minimum job experience of FSM 2893.1, the three certification panel members review and evaluate the application.
5. Certification Panel	5. Upon completion of individual reviews, the panel members collaborate to summarize their evaluations.

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2893.2 - Exhibit 01—Continued

Affected Person or Unit

Action

STEP 2 - REVIEW

5. Certification Panel (continued)

- 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 program operations, the Lead Reviewer shall advise the Certification Panel Chairperson, who in turn 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 Certification Panel Chairperson notifies the applicant and the applicant's supervisor of areas of deficiencies and/or available training and developmental opportunities to achieve qualifications and returns the application to the applicant.¹

STEP 3 - CERTIFICATION

6. Director of Minerals and Geology Management, Washington Office

6. When deemed qualified by the certification panel, issues a certificate. The Certification Panel Chairperson adds the name of the specialist to the service-wide list of Certified Oil and Gas Resource Specialists.

¹ In the event that prospective Oil and Gas Resource Specialists are unable to complete the required tasks, or gain adequate experience in oil and gas operation management due to limited oil and gas projects on their units, the Certification Panel may elect to prepare 'mock projects' for the applicant to process. The resultant work may then be used in lieu of an actual project experience. The criteria for evaluating an applicant's performance on a mock project will be developed by the Certification Panel. These mock projects will contain all aspects of a real project to the extent possible.

2893.3 - Unqualified Applicants

Upon completion of the recommended training, other developmental opportunities, or once an employee believes he or she has obtained equivalent training or experience, the employee may submit a new application by answering only the section(s) of the questionnaire previously not answered correctly. The new application is sent to the Certification Panel Chairperson who begins the review process outlined in FSM 2893.2, exhibit 01.

2893.4 - Suspension, Revocation or Termination of Certification for Oil and Gas Resource Specialist

Allegations that may lead to revocation or suspension of a Certified Oil and Gas Resource Specialist's certification status shall be investigated by the Deputy Chief, National Forest Systems. 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 Assistant Director, Leasable Minerals, 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 policies, or
2. Failed to maintain the knowledge, skills, and abilities required for a Certified Oil and Gas Resource Specialist (FSM 2893.1).

Certification as an Oil and Gas Resource Specialist may not be retained after resignation, retirement, or removal from the Forest Service for cause. Individuals that return to employment with the Forest Service within 3-years after leaving a Forest Service position where they were certified may have their certification reinstated upon written notice to the certification panel.

2893.5 - Appeals of Decisions Involving Oil and Gas Resource Specialist Certification Status

Appeals resulting from a suspension or termination of certification status must be submitted to the Deputy Chief, National Forest Systems. 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. The Deputy Chief, National Forest Systems determination on certification status is the final administrative determination.

2893.6 - Continuing Education

Certified Oil and Gas Resource Specialists are expected to maintain and improve their skills, knowledge, and abilities through regular participation in 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. Specific training on surface resource management considerations such as visual resource management, reclamation, remote monitoring techniques, etc.
5. Production techniques.