POSITION DESCRIPTION *(Please Read Instructions on the Back)*

1. Agency Position No.: NS0051

2. Reason for Submission: ☐ Redescription ☐ Reestablishment ☑ New ☐ Other
Explanation *(Show any positions replaced)*

3. Service: ☐ Hdqtrs ☑ Field

4. Employing Office Location

5. Duty Station

6. OPM Certification No.

7. Fair Labor Standards Act: ☑ Exempt ☐ Nonexempt

8. Financial Statements Required: D
☐ Executive Personnel Financial Disclosure ☑ Employment and Financial Interest

9. Subject to IA Action: ☑ Yes ☐ No

10. Position Status: ☑ Competitive ☐ Excepted *(Specify in Remarks)* ☐ SES (Gen.) ☐ SES (CR)

11. Position Is: ☐ Supervisory ☐ Managerial ☑ Neither

12. Sensitivity: ☑ 1--Non-Sensitive ☐ 3--Critical ☐ 2--Noncritical Sensitive ☐ 4--Special Sensitive

13. Competitive Level Code

14. Agency Use

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Office of Personnel Management						
b. Department, Agency or Establishment						
c. Second Level Review	Geologist (CME) FC: 42 OC: AA	GS	1350	12	twR	1/11/04
d. First Level Review						
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position *(if different from offiical title)*

17. Name of Employee *(if vacant, specify)*

18. Department, Agency, or Establishment
Department of the Interior

a. First Subdivision
Bureau of Land Management

b. Second Subdivision
State Office

c. Third Subdivision

d. Fourth Subdivision

e. Fifth Subdivision

19. Employee Review-This is an accurate description of the major duties and responsibilities of my position.
Signature of Employee *(optional)*

20. **Supervisory Certification.** *I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.*

a. Typed Name and Title of Immediate Supervisor
Signature Date

b. Typed Name and Title of Higher-Level Supervisor or Manager *(optional)*
Signature Date

21. **Classification/Job Grading Certification.** *I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.*
Typed Name and Title of Official Taking Action
Todd W. Ryan
HR Specialist (Classification)
Signature Date 1/14/04

22. Position Classification Standards Used in Classifying/Grading Position
Job Family Standard for Professional Physical Science Work, GS-1300P, December 1997; Mining Engineering Series, GS-880, February 1967.

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee *(optional)*										
b. Supervisor										
c. Classifier										

24. Remarks
FPL: GS-12: BUS: _____ The use of this position description requires prior approval by WO300.

25. Description of Major Duties and Responsibilities *(See Attached)*

INTRODUCTION

The incumbent serves in a dual capacity, (1) as a geologist, and (2) a Certified Mineral Examiner (CME). The position is typically located in a BLM line organization below state level. The incumbent serves as the program leader responsible for planning, initiating, directing, and executing the minerals program at the Field Office level. Some of the associated resource values are of national significance. Mining law administration including mineral reports, validity determinations, and surface management on mining claims and mineral material sites.

As a condition of employment the incumbent of this position is required to file an annual confidential financial disclosure report.

MAJOR DUTIES

1. Minerals Program (60%)

Plans, initiates, directs and exercises supervision over mining industry, sales, permits and leases to assure the orderly development and conservation of mineral materials, locatables and leasable minerals on public lands and all the minerals on acquired lands. Assures maximum economic recovery of mineral deposits through the review of industry operating plans for exploration, development, and extraction of minerals to assure compliance with the environmental and reclamation requirements of the Secretary's regulations and current Bureau policy.

a. Budget and Programming: The incumbent develops portions of the field office long-range programming for the minerals program. In addition, the incumbent must monitor progress and determine deviations from the minerals portion of the field office's annual work plan and recommend necessary adjustments. Prepares the field office minerals portion of budget documents and assists in other budgetary matters.

b. Planning and Environmental Coordination: Develops, implements and updates the geology and minerals portion of the field office's planning system that could include inventories, opportunities for development, economic data, and possible conflicts with other programs. Uses the planning system to periodically update information to keep the field office's land use plan current. Serves as team lead in the development of environmental documents for the purpose of evaluating applications for free use permits, material sales, oil and gas leasing, geothermal resource leasing, exploration and development drilling, and mining plans of operation submitted under 3809, 3802, and 3814 regulations. Serves as interdisciplinary team member on other Bureau EA and EIS projects.

c. Public Inquiries, Assistance and other Office/Agency Coordination: Provides written and oral assistance to the public on questions concerning the laws, regulations, and policy governing all aspects of mineral resources on public lands. Establishes and maintains cooperative relationships with other BLM offices, user groups, and State and

Federal agencies concerned with the BLM's mineral management program. Conducts informal and formal coordination and consultations necessary to effectively carry out the minerals program activities and activities of related multiple use programs. Represents the Field Manager at meetings of business, professional, governmental, educational, scientific and various user and interest groups. Incumbent has authority, within prescribed limits, to make commitments for the field office.

d. Prepares Mineral Reports and Appraisals: On mineral leases, sales and mining operations, incumbent reviews the exploration or development/operating plan for adequacy and recommends the amount of bond to be required. Prepares mineral reports that present information, based on field exams and literature searches, relative to the salable and locatable mineral potential.

e. Inspections, Compliance, Enforcement and Trespass: Makes frequent verification of compliance with appropriate laws, regulations, terms and conditions of operations relating to surface and mineral material management, mining law administration, oil and gas, and non-energy leasable mineral management. Upon discovery of suspected trespass, prepares case file and adequately documents file from initial discovery through prosecution or dismissal of formal or suspected trespass. Recommends corrective actions or suspension of any industry operation that is not being conducted in accordance with the applicable regulations and approved plan.

f. Abandoned Mine Lands. Determines procedures for the safe abandonment of mine shafts, portals, and other potential features caused by mining and exploration operations. Makes inspections and investigation of mineral operations and related beneficiation facilities to assure that industry operations are being conducted in accordance with acceptable practices.

g. Processing Leases, Permits, Notices and Plans of Operation: Reviews mining, prospecting and drilling plans for adequacy under Bureau standards, including surface protection of public lands subject to mining and leasable mineral development. Processes applications for mining law, mineral materials, oil and gas, and non-energy mineral management. Investigates lands and mineral deposits involved, prepares reports leading to the issuance of permits and leases. Prepares letters of approval for plan of operations and notices with adequate provisions to protect the environment, prevent mineral waste, and reclaim disturbed lands.

2. Certified Mineral Examination (40%)

a. Examines mining claims and mill sites and, by using commonly accepted geologic, engineering, and economic methodologies, and Departmental case law, arrives at a conclusion as to the presence or absence of a discovery of a valuable mineral deposit. Duties include mining claim patent and validity examinations, common variety determinations, mineral in character determinations and surface use determinations for residential occupancy cases under Manual Sections 3891 - Validity Examinations and 3893 - Mining Claim Occupancy Trespass (43 CFR 3712 and 3715).

b. Gives expert testimony in an administrative hearing before an administrative law judge concerning the presence or absence of a discovery of a valuable mineral deposit under the General Mining Law of 1872, as amended; and as to proper occupation and use under the General Mining Law of 1872, as amended, Section 302 of FLPMA, and Sections 3, 4, and 5 of the Surface Resources Act of 1955. Assists the Solicitor in the presentation of the case at the hearing.

FACTORS

Factor 1 - Knowledge Required by the Position

Geology

Professional knowledge of the principles, theories, practices and science of geology and minerals management sufficient to allow the person in this position to accomplish assignments that are moderately to highly difficult and complex.

Demonstrated knowledge of mineral methodologies related to conducting inventories and mineral evaluations, and the knowledge of the geologic mode of occurrence of specific mineral commodities.

Knowledge of mineral extraction technologies such as mining methods for surface and underground mineral developments and petroleum and geothermal resources, recovery techniques, and the demonstrated ability to apply this knowledge to actual situations.

Knowledge of mineral markets and methodologies for determining economic feasibility of developing specific mineral deposits.

A working knowledge of other programs relating to the minerals programs at a level sufficient to provide strong multiple-use coordination necessary to complete work in those programs such as environmental assessments, land use planning and preparation of resource protection stipulations.

Knowledge of a wide variety of complex laws, regulations, executive orders and Bureau policies and directives applicable to the conduct of the field office's mineral programs as part of BLM's overall multiple use management mandate. Knowledge of the 1872 Mining Law, the 1920 Mineral Leasing Act, the Surface Mining Control and Reclamation Act and other specific mineral laws along with their implementing regulations and court interpretations is imperative.

Knowledge of and demonstrated ability to prepare professional mineral reports and other associated technical reports and documents.

Ability to communicate effectively, both orally and in writing, and prepare clear, concise reports with professional quality.

Effectively work as a team member and with people having opposing views.

Knowledge of the Bureau's programming and budgeting systems for the purpose of coordinating and preparing field office submissions and to effectively meet district minerals workload needs within dollar and manpower constraints. This knowledge is also necessary to monitor and assure effective accomplishment of budgeted work commitments.

Knowledge of the Bureau's Environmental Assessment (EA) procedures to allow the individual in this position to be a member or team leader for developing EAs in the minerals management program.

Working knowledge of evaluation systems to assure program quality control and compliance with program policies and directives.

Working knowledge of the role and function of other State and Federal agencies with geologic and mineral management responsibilities for the purpose of carrying out coordination and consultation requirements.

Certified Mineral Examiner

Incumbent must be a BLM Certified Mineral Examiner. National certification is required to show the necessary knowledge, experience, skills, and training have been attained in order to conduct complex validity and other technical mineral reports.

Extensive professional knowledge of state and Federal mineral laws, case law, regulations, and policies and the ability to interpret and apply them to unique and complex locatable minerals cases.

Factor 2 - Supervisory Controls

All work is performed under the supervision of a line manager who provides direction on responsibility and guidance on critical issues and policy matters. The supervisor defines overall objectives.

Incumbent after deciding on approach and methodology, independently determines the procedures necessary to plan, schedule, and complete work assignments.

Work is reviewed for accomplishment of objectives and policy compliance. Results of the work are considered as technically correct and are normally accepted without significant change.

Factor 3 - Guidelines

General guidelines are provided by recognized (traditional) professional geologic and minerals management principles and practices. More specific guidance relative to the

Bureau's minerals program is provided for the incumbent in regulations, manuals, and instruction memos, but are not always completely applicable to the work or have gaps in specificity.

Considerable initiative must be exercised in analyzing the effectiveness of these guidelines and in selecting and adapting guidelines to local management situations. In some cases the incumbent may have to recommend changes in guidelines to higher authority or to develop supplemental guidelines for the field office level. Employee uses own judgment in developing programs based upon overall guidance.

Factor 4 - Complexity

The field office work consists of a wide variety of duties as listed above. The incumbent must be able to accommodate this wide variety of duties that vary in situations and require a different approach depending on the circumstances. Some require strict compliance with specified step-by-step procedures; others require development of methodology tailored to the situation. Accomplishment of these duties requires interface with other programs, other resources, and other organizational entities, frequently in an advocate position, and requires the incumbent to integrate consideration for all resource and all Bureau programs into the minerals management program. Incumbent must work with and draw upon the knowledge of a wide variety of professional staff personnel. Changing market, technical developments and other conditions must be constantly considered.

Certified mineral examination work consist of analyzing and synthesizing information from several highly specialized areas, including geology, mining engineering, and mineral case law, to resolve unconventional and complex problems of mining claim validity, mining law administration, and surface management of mining operations on Federal lands. The assignments typically involve novel or unique cases for which there are no legal or regulatory precedents or which require the development of new geologic methods. Often there are several approaches that can be taken, the methods and procedures are not established, and the interpretation of data is inconclusive. Modification of established approaches and development of new methods, techniques, or precedents is frequently required to plan and carry out assignments.

The job will be accomplished by considering many other competing land uses that require weighing the mineral values against those other uses in recommending proper courses of action.

Factor 5 - Scope and Effect

The incumbent's geologic and mineral management recommendations have a strong influence on the orderly development of the mineral resources on public land. Ability to provide mineral materials to local county and state governments can allow for economical improvement in transportation systems. Locatable minerals management duties may have a significant financial impact on major international mining companies.

Work related to mineral examination involves development and implementation of methods, policies, and procedures to administer the development and conservation of Federal locatable and salable minerals. The work significantly affects the policies, management decisions, methods, and procedures of BLM, state and local government agencies, and the private minerals industry.

Timely, accurate work products are essential to facilitate accomplishment of work in the field office.

Factor 6 - Personal Contacts

Personal contacts are with field office personnel, other BLM personnel, personnel from other Federal, State and local agencies and the public, including government to government. Contact with BLM and other governmental agencies will include nearly all staff and management personnel.

Public contacts will include groups and professional organizations as well the news media, and public action groups. Many of these contacts are made on a non-routine basis in a variety of places, both in the field and in various office meeting, and often without prior warning.

Factor 7 - Purpose of Contacts

These contacts are for providing and obtaining information, advising, influencing management decisions, explaining the Bureau's mineral programs, and keeping current with the state of the field office. Some of the contacts will involve coordination and consultation efforts to resolve complex resource conflicts. The contacts are made to assure compliance with established policies and regulations and gain a better understanding of public needs. Some of the contacts may be confrontational in nature and require negotiating and persuasion skills

Factor 8 - Physical Demands

The work is of a professional nature and requires both office and fieldwork. The incumbent must be capable of spending long days in an office and be capable of working in mountain and/or semi-arid areas. Also, must be able to withstand exposure to high winds and extreme temperatures. Incumbent must possess physical stamina to travel over rough terrain on foot. Lifting of ore samples and other mineral samples weighing in up to 44 pounds is required. Travel via fixed wing aircraft and helicopter may be required.

Factor 9 - Work Environment

When in the office, the position is physically located in close proximity to a number of other professional employees, and must tolerate and average amount of conversation, telephone and other similar office distractions and background noise. Office quarters are located in a modern office building and tend to be "open space" arrangements. Field conditions include

the full range of topographic conditions, ranging from rolling plains to a steep mountainous terrain. Incumbent will, on occasion, be required to enter surface and underground mines and tolerate high/low temperatures, dust and high levels of noise and vibration. Safety clothing such as self contained breathing apparatus, safety boots, goggles, etc. are required to be worn. During winter months temperatures of 10 degrees Fahrenheit can be expected, while during the summer temperatures in excess of +100 degrees Fahrenheit are not uncommon. Incumbent will adhere to all safety rules and regulations as prescribed in manuals/supplements or by the designated Safety Officer.

When completing work assignments in the office or field, or operating a motorized vehicle, incumbent must be alert to safety hazards to ensure work is accomplished in the most efficient and safe manner.

EVALUATION STATEMENT

Recommended Classification	Geologist (CME), GS-1350-12 Mining Engineer (CME), GS-880-12
Organizational Location:	Bureau of Land Management, Line Organization below State Office Level
References:	Job Family Standard for Professional Physical Science Work, GS-1300P, December 1997; Mining Engineering Series, GS-880, February 1967

Background:

This position is located in an organizational element below state level with (1) responsibility as a BLM Certified Mineral Examiner, (2) responsibility as the program leader responsible for planning, initiating, directing, and executing the minerals program at the Field Office level.

The BLM is responsible for administering the General Mining Law of 1872, which opened public lands to the exploration, and extraction of valuable minerals. Processing a mineral patent application is quite complex. The application is filed with BLM. BLM reviews the application to ensure that the applicant has complied with all the paperwork requirements of the Mining Law. If BLM concludes that the paperwork is complete, the BLM State Director forwards the application, together with evidence of posting, publication, payment of the purchase price, and the First Half-Mineral Entry Final Certificate (FHFC), to the Regional Solicitor's Office which provides legal services for BLM activities in that state. The Regional Solicitor conducts a legal review of the package, and then forwards it to the Solicitor for his concurrence in the issuance of the FHFC. The Solicitor then forwards the package to the BLM Director for concurrence in issuance of the FHFC; he/she, in turn, passes it to the Assistant Secretary of Land and Minerals Management (DOI) for further review and concurrence. With the concurrence of these officials, the Secretary signs the FHFC.

After the Secretary signs the FHFC, the patent application is returned to BLM for verification that the applicant has made a valuable mineral discovery, or, in the case of a millsite, that the applicant is using and occupying five acres or less of non-mineral land for mining or milling purposes. At this point a BLM CME completes a mineral examination of the claim or site and prepares a mineral report. The CME may ask for additional documentation from the applicant if the initial proof of discovery does not provide enough data to make a determination. If the mineral report verifies the discovery "of a valuable mineral deposit" (or, in the case of a millsite, that the land is non-mineral), and BLM believes that all other statutory requirements have been met, BLM recommends that the Secretary sign the Second Half-Mineral Final Certificate (SHFC) and issue the mineral patent. The processing of the SHFC follows a path similar to the FHFC. Approval of the SHFC constitutes award of the

patent and legal title to the land is transferred to the applicant as of the date the Secretary signs the patent.

Until 1993, authority rested with BLM State Directors and District Managers to issue FHFCs, SHFCs and patents. That authority was temporarily revoked on March 3, 1993, and on December 16, 1996, the DOI Secretary permanently reserved his/her authority for signing both final certificate documents and for issuing patents.

Effective October 1, 1994, a Congressional moratorium was placed on the processing of mineral patent applications. The moratorium included in the Interior and Related Agencies Appropriations Act of 1994, contained two important provisions. Section 112 prohibited the obligation or expenditure of funds for the acceptance or processing of applications for patents for any mining claims or millsites under the Mining Law or the issuance of new patents for any mining claims or millsites. Section 113 is the "grandfather provision" that permits DOI to process those patent applications (1) filed on or before the date of enactment of the Act and (2) in full compliance with the statutory requirements under 30 U.S.C 29 and 309 for vein or lode claims. The moratorium has been extended each year through the end of FY 2002. At this writing, it is unknown whether the moratorium will be extended another year through FY2003.

At the time of the Congressional moratorium in 1994, it was determined that 386 applications were "grand fathered" and 240 other pending applications were determined to fall within the moratorium. As of 2003, there are still 136 applications pending and 185 non-grandfathered applications that are not being processed.

In the simplest terms, mineral patents involves two significant steps: (1) reviewing the patent application to ensure that it is complete and in compliance with administrative requirements of the Mining Law and (2) performing a mineral validity examination to ensure that the geologic and economic evidence shows that the claimant has discovered a valuable mineral deposit. CMEs are responsible for conducting the most complex and controversial portion of this process, the mineral validity examination.

A mineral validity examination is the examination and evaluation of a mining claim(s) to determine if the mineral deposit claimed is commercially viable (valuable deposit under the General Mining Law). The process involves mapping the geology, sampling the deposit with regard to its geologic controls to confirm reserve estimates, determining the cost of mining the deposit, and determining the price to be received for the commodity produced. If the expected unit price to be received is greater than the estimated unit cost of production, the requirements for discovery under the General Mining Law have been satisfied. The essential test is that of the Prudent Man Rule - is there a reasonable prospect of success in developing a valuable mine?

Representatives from the Mineral, Realty, and Resource Protection Directorate (WO300) have stated that there is sufficient work to support 60-70 CMEs and 16-20 CRMEs. These numbers can fluctuate based upon workload, need and changes in law. The establishment of new CME positions requires prior approval of WO320. Certification as a CME is required

prior to placement in the SPD. The SPDs require that the incumbent expend 40% of his/her worktime on CME or CRME related tasks.

Determination of Series and Title:

Dependent upon the duties and knowledge requirements the position will either be placed in the Geology Series, GS-1350, or Mining Engineering Series, GS-880. This position is designed for placement in the Geology Series, GS-1350.

Typical of the Geology Series, GS-1350, the position requires a professional knowledge of geology. To evaluate mining property, prepare mineral reports and serve as a Certified Mineral Examiner requires applying a knowledge of the principles and theories of geology and related sciences in the collection, measurement, analysis, evaluation, and interpretation of geologic information concerning the structure, composition, and history of the earth. Consequently the position is allocated to the GS-1350 Series and titled Geologist. The parenthetical '(CME)' is assigned based on the specialized duties in the position description.

Determination of Grade:

It is determined that the field geology duties of the position are not grade controlling or enhancing to the GS-12 level. Rather it is the duties and responsibilities related to the certified mineral examination work that support the higher grade. As such the CME work will be evaluated.

The GS-1300P Job Family Standard (JFS) for Professional Physical Science Work is the most appropriate standard to use in determining the grade of this position. The GS-1300P includes appropriate language from the law and grade level criteria (standard) which is supplemented by illustrations of work appropriate for each grade level.

Evaluation:

The GS-12 grade level in the standard describes assignments that typically involve planning, executing, and reporting on original studies or ongoing studies requiring a fresh approach to resolve new problems. Assignments require the development of totally new methods and techniques to address problems for which guidelines or precedents are not substantially applicable. Assignments typically include considerable breadth, diversity, and intensity; varied complex features; and novel or obscure problems.

Work related to being a Certified Minerals Examiner is best described by the GS-12 level. Like the GS-12 grade level the incumbent must address a variety of issues in conducting a mineral validity review. Guidelines or precedents are not substantially applicable as each review is tailored to a specific site and determination if a site can be mined at a profit can be subjective in nature. Beyond determining the quantity and quality of the mineral present, and to be profitable, totally new methods of mineral extraction, funding options, and business models, may have to be created by the developer. An example given by the Washington

Office subject matter experts during the development of this position description was determining the value of limestone and the quantity contained in a site.

Some aspects of the GS-13 level are present (i.e, the incumbent deals with highly controversial issues and may be called upon to defend their findings and recommendations in high level or public forums). However, the position does not fully meet the threshold for the GS-13 grade level because (1) the impact of the work is not typical of that level and (2) while the work is considered to be that of a technical authority, the incumbent does not function at the technical expert level described in the standard. The difference between authority and expert is related to the type of work being performed and the interaction with other authorities in the career field. In this case, the type of work being performed is best described at the GS-12 level.

Certified Review Mineral Examiners (CRME) review the work of Certified Minerals Examiners. Multiple CMEs are present in every state, but each state typically has only one CRME. CRMEs accept the work of CMEs as technically sound, and review the work for general acceptability and feasibility in relation to the overall program.

Conclusion: It is determined the appropriate grade for this position is GS-12.

Classification: Since the primary duties and knowledge requirements in this position are related to geology, this position is classified as Geologist (CME), GS-1350-12. In situations where the primary duties and knowledge requirements are related to mining engineering, position description number NS0050, Mining Engineer (CME), GS-880-12, should be utilized.

The position is EXEMPT - It meets the criteria of Professional as outlined in the standards on FLSA.

Todd W. Ryan
HR Specialist (Classification)