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Subject

MS-3010 Underground Entry Policies for Solid Minerals

1. **Explanation of Materials Transmitted:** This release transmits a completely updated and reorganized Manual.
2. **Reports Required:** None.
3. **Materials Superseded:** Manual pages superseded by this release are listed under "REMOVE" below. No other directives are superseded.
4. **Filing Instructions:** File as directed below.

**REMOVE**

All of MS-3010

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(Total: 12 Sheets)

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.01 Purpose. The purpose of this manual is to convey Bureau of Land Management (BLM) policies concerning the Solid Minerals Program (Mining Law Administration, Non-energy Mineral Leasing, or Coal Leasing). This manual section sets out the policies that govern the official duties of a very limited group of BLM employees whose duties include official entry into underground mine workings.

This manual is to be used in conjunction with the applicable Federal regulations and other relevant program guidance, including Departmental Manual 485 - *Safety and Occupational Health Program*, BLM Manual 1112 – *Safety*, BLM Handbook 1112-1 – *Safety and Health Management*, BLM Handbook 1112-2 – *Safety and Health for Field Operations*, and BLM Manual 3720 and Handbook H-3720-1 – *Abandoned Mine Land Program Policy*.

.02 Objective. The objective of this manual is to put into place policies that will foster the prevention of harm or loss of life to BLM employees, contractors, or volunteers in carrying out their official duties related to the various solid minerals programs. This objective will be achieved by implementing policies regarding training and education in mine safety and confined space safety, hazard identification/abatement, accident prevention, and establishment of management controls and evaluation processes.

.03 Authority.

A. Statutes.

1. Occupational Safety and Health Act of 1970, as amended; 29 U.S.C. 651 *et seq.*
2. Federal Mine Safety and Health Act of 1977, as amended; 30 U.S.C. 801 *et seq.*
3. The Federal Land Policy and Management Act of 1976, as amended (FLPMA); 43U.S.C. 1732(b).
4. The General Mining Law of 1872, as amended; 30 U.S.C. §§ 22, 26, and 28.
5. The Mineral Leasing Act of February 25, 1920, as amended; 30 U.S.C. 181 *et seq.*
6. The Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended; 30 U.S.C. 351-359 *et seq.*
7. Mine Improvement and New Emergency Response Act of 2006.
8. Accounting and Auditing Act of 1950, as amended; 31 U.S.C. 3512.

B. Regulations.

1. 30 CFR 1 through 199 Mine Safety and Health Administration (MSHA).
2. 29 CFR 1900 to 2400 Occupational Safety and Health Administration (OSHA).

C. Executive Orders (EO).

1. EO 12196, Occupational Safety and Health Program for Federal Employees (February 26, 1980).

.04 Responsibility.

A. Delegations of Authority are found in BLM Manual 1203, *Delegation of Authority*, and State Manual Supplements. These manual sections are updated on a regular basis and will clarify the level at which decision-making authority is held.

B. The Director. The Director, through the Assistant Director for Minerals and Realty Management, provides national policy and procedures for any authorized underground mine entry through instruction memoranda, manuals, and handbooks.

C. BLM State Directors or Center Directors. BLM State Directors provide oversight to the BLM offices in their states or centers regarding entry into underground mine workings. The State Director for each state or center must determine if any entry into active and inactive underground mine workings will be allowed. This responsibility may be delegated to the appropriate Deputy State Director, who establishes any state specific policies and procedures. The National Training Center (NTC) Director is responsible for NTC personnel and students involved in underground entry training.

State Directors are responsible for developing and coordinating partnerships with state and Federal agencies and private organizations (i.e., mine rescue teams) to ensure entry into active or inactive underground mine workings is done in a consistently safe manner. State Directors will develop statewide underground entry guidance documents and provide technical support to the field offices. State offices will track personnel experience, qualifications, and training. The state offices will maintain a central filing repository for post-entry reports and annually review entry practices. Every 2 years the state office will prepare a determination as to the continued allowance of underground entries.

D. District, Field, and Monument Managers. District, Field, and Monument Managers are responsible for the day-to-day oversight and authorization of BLM employees entering any underground mine workings. They ensure that field personnel receive the necessary technical, administrative, and safety training, use required safety equipment, and ensure compliance with the policies of this manual section. The manager responsible for ensuring safe entry into active and inactive underground mines is limited to training only individuals in positions identified as having official duties that require entry into underground mines. There may be other managers who also have this responsibility.

E. BLM Employees and Contractors. It is the responsibility of each employee, contractor, or volunteer to ensure that their own actions before, during, and after entry into underground mine workings do not pose safety risks to themselves or others.

.05 References.

A. Supplemental Guidance. Supplemental guidance is available from many sources in the form of technical and operational publications, national consensus standards, and professional assistance. Use these sources for specific operational activities, equipment selection and use, or total systems. State-specific supplemental guidance must be reviewed by the Division of Solid Minerals in conjunction with the state program leads prior to adoption for underground entries.

.06 Policy. Maintaining the safety, health, and welfare of its employees, contractors, volunteers, and the visiting public is BLM policy. This policy will be implemented by using commonly accepted safety and health-risk assessments and management procedures as an integral part of every BLM operation, including any entry into underground mine workings. All BLM directors, managers, supervisors, employees, contractors, and volunteers are responsible for implementing this policy.

.07 File and Record Maintenance. All records regarding underground entries will be managed according to established records retention and disposal policies. See BLM Manual Section 1272 and the combined Bureau/General Records Schedules. Post-entry reports will be subject to Section 13 of this manual.

.1 Underground Entry Acceptable Practice Determination. State and center Directors must prepare a written determination asserting that entry into active and inactive underground workings within areas under their jurisdictions is a necessary and acceptable work practice in the management of Federal lands and resources. Once made, the determination must be renewed every 2 years, but only following a program review as required by this manual section.

A. In making the determination, state and center Directors must decide that the need to make an underground entry is absolutely necessary to do the job at hand. In addition, the information gained by the entry must be such that it cannot be obtained by any other means, and the information is absolutely critical for the BLM to meet its duties under the law or to meet its strategic goals and objectives.

B. Necessary functions warranting entry into underground mine workings include but are not limited to establishing training mines; verifying current or past mineral production; confirming the existence of a valuable mineral deposit; assessing the mineral resource potential as part of a planning effort; inspecting the compliance of operations placed on standby status by the operator assessing the potential impacts of resuming operations; or assessing lease relinquishment; and assessing the potential impacts of temporary or permanent mine closure.

.2 Mine Workings and Underground Entry. For purposes of BLM policies, the following definitions will apply to underground mine workings.

A. Active underground mine workings may be entered by BLM personnel, contractors, and volunteers. Active mines are operations that are undergoing development and may involve production activity. If the operations involve production, they will be registered with the Mine Safety and Health Administration (MSHA). They will have an operator (e.g., person, partnership, or company) that is obligated to perform the necessary maintenance to keep the mine in a safe condition.

B. Inactive underground workings may be entered; however, caution is required. Inactive mines must have an operator (e.g., person, partnership, or company) that is responsible for maintaining the underground workings in a safe condition. Inactive mines may have been inspected by state agencies or local management, and proof of past inspections must be available.

The operator must be able to demonstrate to the satisfaction of the team leader as defined in .8 below that the air within the mine workings is breathable, either because a ventilation system is in place and maintained or because of circulation due to the mine layout; entries and underground workings are generally free of fallen rocks; ground control systems may be in place and maintained; and there are known emergency escape procedures and routes.

C. Abandoned mine workings must not be entered by BLM employees, contractors, or volunteers performing official duties in the solid minerals programs. Abandoned mine workings do not have an operator actively maintaining underground workings. Abandoned underground workings have no demonstrated records for maintenance of the portals and underground workings and no records of regular inspections by MSHA, state mine inspectors, or local mine management. None of the characteristics of Inactive Mines described in .2B can be verified in an abandoned working.

.3 Additional Requirements for Entry into Mine Workings.

A. Entry into inactive underground mine workings may not be considered an acceptable practice until the state offices sign agreements with mine rescue teams that are willing to respond to emergencies at an inactive underground mine working. If no mine rescue teams are willing to respond to such emergencies, no entries at inactive underground workings may be made by BLM personnel, contractors, or volunteers. If an agreement is reached, the entry standards used by the rescue teams will dictate the extent of allowable entry into inactive mine workings.

B. Entry into any underground type of mine working (active or inactive) that requires the use of a respirator of any type, other than those designed to suppress dust, is forbidden.

C. All BLM employees may go on underground mine tours at active mines if tours are customarily given to visitors. Supervisory approval must be obtained before BLM employees may participate on the tour while on duty and the mine operator must supply all of the necessary safety equipment.

D. The policies in this manual section do not apply to commercial mine tours offered to the general public at underground workings that have been converted to recreational attractions.

.4 Abandoned Underground Workings and Underground Entry. Entries into abandoned mine workings are not an acceptable practice for the BLM. BLM employees may enter abandoned mine workings only in the two circumstances found in .4A and .4B below. There are no other exemptions to the “No Entry at Abandoned Mines” policy.

A. With the express permission of a state or a center Director, which is to be documented in writing by the state or center Director, highly qualified employees may be asked by BLM State Directors to respond to requests for assistance in emergencies at abandoned mine workings, provided that all necessary equipment is available and in good working order. An employee must not be ordered to go underground. The employee’s decision to enter or not enter the abandoned mine workings will not be questioned.

B. Qualified BLM trainers may take all necessary steps to inspect an abandoned mine for the purpose of establishing a training mine at an abandoned mine.

.5 Entry Restrictions for Employees, Contractors, and Volunteers. Entry into active and inactive underground mine workings is restricted to those employees identified by the state or center Director. These employees must have position descriptions or the employee’s annual performance appraisal plan amended to include making entries into underground mine workings. Contractors may make an entry into active and inactive underground workings if it is explicitly required by the terms of the contract. Volunteers may make an underground entry if their expertise is required for the successful achievement of the goals of the entry and they have all of the necessary qualifications.

.6 Training Requirements. Employees, contractors, and volunteers making entries into active or inactive underground mine workings must have received all applicable training. All training must be up-to-date and documented by the state or center offices.

A. The BLM does not require personnel to be fully trained new miners as described by the MSHA regulations found at 30 CFR 48. However, employees who have achieved status as “experienced miners” under 30 CFR 48.6 will be afforded opportunities to maintain that status during normal working hours and at BLM expense, including annual renewal courses.

B. All BLM employees entering active mines will complete the hazard training required by 30 CFR 48.11, and while underground they must be accompanied at all times by an experienced miner provided by the operator.

C. All training for entry into inactive mine workings must cover entry into both non-permit and permit-required confined spaces as required by 29 CFR 1910.146 to be acceptable. This requirement is in addition to training that includes the knowledge and skills ordinarily covered by a “new miner” training program noted in .6B.

D. Training programs meeting these criteria may be provided by the BLM through the NTC or through any other vendors. Training provided by other vendors may be all-inclusive or may satisfy only parts of the requirements noted in 6C above. All outside training must be evaluated by the solid minerals program staff in coordination with NTC trainers. Training programs found to be appropriate for the BLM’s purposes must be identified by this process. State and field offices will be notified of the appropriateness of other vendor training programs by an annual directive issued by the Assistant Director, Minerals and Realty Management, or Chief, Division of Solid Minerals.

E. Training for underground entries must be renewed annually for those personnel making entries. State or center Directors may establish in-house, local renewal training programs provided that qualified personnel are available to conduct these programs. In the absence of qualified personnel, the use of non-government sources for annual renewals will be acceptable.

.7 Mandatory and Recommended Equipment. No entry into active or inactive underground mine workings will be made by BLM employees or volunteers without the necessary equipment specified in BLM manual sections, supplemental instructions, or guidance issued by the state office or Washington Office.

A. Mandatory equipment must be provided to employees or volunteers at BLM expense. The BLM office must maintain this equipment and inspect it semi-annually. The Field Office Manager must certify in writing it is in good working order with each inspection.

B. Contract employees will be expected to provide the required mandatory equipment as a part of their contract.

C. Recommended equipment should be provided by the BLM. Failure to provide the recommended equipment may result in the team leader determining, based on site conditions and needed equipment, that a proposed entry will not be made. Any such decision based on a lack of equipment will rest exclusively with the team leader, and their final decision will not be subject to review.

.8 Team Leaders. Team leaders will be drawn from the most experienced personnel. State Directors will maintain a roster of personnel within their organizations who are qualified to act as team leaders. State Directors will maintain not less than two team leaders in their state and will provide, when requested and workloads allow, team leaders to national-level requests for assistance.

A. Team leaders will be the onsite manager for the entry activities. Team leaders are responsible for documenting the evaluation of the risks to making the entry, preparation and filing of final reports on the entry, and when necessary, preparation or acquisition of final maps.

B. Team leaders will be responsible for evaluating risks at both active mines and inactive mine workings. Team leaders will seek the advice and input of the other members of the team in making the evaluation of risks. Based on that risk evaluation, the team leader will decide if the entry is to proceed. The team leader's decision will be final.

C. During the entry, the team leader will control the activities of the team. A determination of "not to proceed" by the team leader is the final decision. If at any time the team leader determines that exiting the workings is the proper course of action, all team members will leave the workings as directed.

.9 Entry Protocols while Underground. Employees may be subject to disciplinary measures if they are found to have entered an active or inactive underground mine in a manner contrary to policies in this manual. All personnel making underground entries in active mines or in inactive underground workings during the course of official business must adhere to the procedures mandated by the "buddy system." A BLM employee, contractor, or volunteer will not make a solo entry into any underground mine working under any circumstance.

A. At active mines, the buddy system requirement will be satisfied if the BLM employee, contractor, or volunteer is accompanied by an experienced miner as required by the MSHA regulations at 30 CFR 48.11.

B. At inactive mine workings, two BLM employees will form the buddy system pair, and if underground, will be within voice distance of each other. The operator or an employee may accompany a BLM entry team, but may not serve to satisfy the buddy system's requirements.

.10 Mandatory Surface Attendants. A surface attendant will be present for the duration of all underground entries. The role of the surface attendant is discussed in greater detail in other BLM manual sections, supplemental instructions, or guidance issued by the state office or Washington Office.

A. At active mines, the requirement for a surface attendant may be satisfied by the presence of other personnel at surface that are employed by the operator and that may be doing other tasks at the mine site.

B. At inactive underground workings, one person will remain at surface during the entry and will serve as the attendant. This person must be a BLM employee. The surface attendant at inactive underground workings must have no other duties while fulfilling the role. The designated surface attendant at an inactive underground mine working must be fully briefed by the team leader as to the duties required of an attendant. The attendant must demonstrate a clear understanding of the duties to the satisfaction of the team leader before the entry commences.

.11 Bureau Communications Protocols. Communications with the BLM home office and with other members of the team during entries is critical to employee safety. In the event of an accident or emergency, communication with a mine rescue team may mean the difference between living and dying. In recognition of this, the BLM adopts the accident definitions in 30 CFR 50.2(h) and requires notification by telephone of the team's home office within the same timeframe required by 30 CFR 50.10 when such accidents or emergencies occur: 15 minutes.

State and center Directors will develop communications protocols for teams to stay in contact with home offices and with the surface attendant when teams are underground. These protocols will serve as key factors in a decision to initiate rescue efforts. These protocols shall include the timeframe specified by 50 CFR 50.10 for any event listed in 30 CFR 50.2(h). The protocols should also provide for the acknowledgment of dispatch by the home office, initiation and completion of entry, and estimated time of return to the home office.

.12 Communications while Underground. All personnel must be familiar with any legally mandated (or customary) mine signals in use within active underground mines. State Directors will include the signals in guidance documents prepared for entry teams. While underground, all BLM employees will follow such signals or directions from mine operator employees, as necessary, other team members, and the team leader. The team leader's signals or gestures constitute a final decision.

A. State and center Directors will ensure that communications protocols developed for guidance include a standard set of communications signals or gestures to be used when making entries into inactive underground workings. Approved signals and gestures will be used when verbal instructions may not be heard or understood by members of the entry team.

B. State Directors will ensure that communications protocols used by mine rescue teams are known and understood by all employees, contractors, or volunteers making entries at inactive workings.

.13 Risk Management Process. Underground entry in active or inactive mine workings is an inherently dangerous activity. Mining is one of the few industries with a Federal agency specifically empowered to regulate its activities.

State Directors will ensure that the risks to BLM employees, contractors, and volunteers that are normally associated with this activity are reduced to acceptable levels. Risk will be managed and reduced through the proper combination of training, pre-planning for field activities, properly executed onsite risk evaluations prior to entry, use of proper entry protocols, preparation of post-entry reviews and reports, and annual programmatic reviews.

.14 Post-Entry Reports. A final report on the entry must be prepared by the team leader. Team leaders will receive input to the report from team members. All draft or rough underground maps and field notes generated during the entry will be attached to the final report. All maps and notes will be based on BLM-wide common standards. Job Hazard Analysis or Risk Management worksheets prepared prior to entries will be included in the report.

A. Final reports will be prepared in conformity with a format specified by the Assistant Director, Minerals and Realty Management, or Chief, Division of Solid Minerals. When the team has generated a rough map of the any workings entered, a final map will also be included with the report.

B. The team leader will provide copies of the final report to each member of the entry team. If the entry is associated with an application or a serialized case, then a copy will be placed in the case file. Each State Director will maintain a central repository for the reports. Reports will be made available for teams making a subsequent entry to underground workings.

.15 Annual Reviews and Renewals of Determinations. State Directors will annually review underground entries within their areas of jurisdiction. The reviews will be documented in a memorandum to the Assistant Director, Minerals and Realty Management.

A. An annual review will describe the activities that have occurred during the preceding year in the state. This should include the number of entries carried out by BLM employees, contractors, or volunteers.

B. Post-entry reports maintained in the state office repository will be reviewed to determine if existing entry practices are sufficient to protect BLM employees, contractors, and volunteers. Records of technical support to the field offices and entry teams will be reviewed. Statewide underground entry guidance documents will be examined for any potential changes. Any changes to national guidance will be suggested in the memorandum report.

C. Any existing partnerships with state or Federal agencies and private organizations (mine rescue teams) should be described and any appropriate changes to partnerships should be identified. New potential partnerships agreements should be identified in these reviews.

D. Annually, the state offices will examine personnel experience, qualifications, and training of team leaders. These reviews may identify new team leaders; any new team leader designations will be identified in the memorandum report.

E. Every 2 years, the state office will determine if the practice of underground entries will continue. This determination will be attached to the memorandum report.