



C.L. "BUTCH" OTTER
Governor
Chris L. Jensen
Administrator

Building a Safer Idaho

1090 East Watertower Street, Suite 150
Meridian, Idaho 83642
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NOTICE OF RULEMAKING

Please be advised that the Idaho Damage Prevention Board has scheduled three public hearings, March 23, 2017, May 25, 2017 and July 13, 2017, to allow interested parties public comment on this rulemaking process to ensure that due consideration is given to the varying views about the adoption of rules related to the prevention of damage to underground facilities in Idaho.

The public hearings will be held at the Division of Building Safety (DBS) at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642, and via videoconferencing at 1250 Ironwood Dr., Suite 220, Coeur d'Alene, Idaho 83814, 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. Attached to this notice is a copy of the tentative agenda for the March 23, 2017 meeting. The Board will permit oral comments or presentations to be made to the Board by any interested individuals at that time. The board encourages interested parties to present proposals orally at the March 23, 2017 hearing or to submit written proposals for the record at any time prior to March 20, 2017. The board will conduct additional hearings at the May 25, 2017 and July 13, 2017 meetings. All change proposals must include supporting information needed to facilitate consideration of the proposal.

Should you have any questions or concerns about this rulemaking process or the public meetings, please contact Ron Whitney, Deputy Administrator, Division of Building Safety at 208-332-7150 or Ron.Whitney@dbs.idaho.gov. The Idaho Damage Prevention Board looks forward to your participation in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris L. Jensen".

CHRIS L. JENSEN
Secretary, Idaho Damage Prevention Board
Administrator, Division of Building Safety

c: Idaho Damage Prevention Board

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.10.01 - RULES GOVERNING THE DAMAGE PREVENTION BOARD, DIVISION OF BUILDING SAFETY

DOCKET NO. 07-1001-1701

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 55-2203; 55-2208 and 55-2211, Idaho Code.

MEETING SCHEDULE: A public meetings on the negotiated rulemaking will be held as follows:

Public meetings are scheduled by the Idaho Damage Prevention Board for March 23, 2017, May 25, 2017, and July 13, 2017 at the Idaho Division of Building Safety located at 1090 E. Watertower, Suite 150, Meridian, Idaho 83642 at 9:30 a.m. (MDT), and via video teleconferencing at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. During the scheduled public meetings, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Division of Building Safety website <http://dbs.idaho.gov/>.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Damage Prevention Board on designated forms available at the Division of Building Safety website <http://dbs.idaho.gov/> and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted on the above dates during which the Idaho Damage Prevention Board will allow oral comments or presentations to be made.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Sections 55-2203, 55-2208, and 55-2211, Idaho Code, the Idaho Damage Prevention Board has the authority through the promulgation of rules to provide for the following: the adoption of training programs on pertinent underground facility damage topics for general use and remedial training pursuant to §55-2211, Idaho Code, a process for reviewing the adequacy of facility owners internal performance measures, a process for reviewing and improving technologies and analyzing data related to underground facilities, the forms and procedures to be used for submitting complaints related to damage to underground facilities, the fines to be paid for civil penalties imposed for violations of title 55, chapter 22, Idaho Code, a procedure for processing claims of underground facility damage, and the reporting of information to the board related to damage to underground facilities or excavator downtime. The Board seeks the participation of the affected industry, all interested stakeholders, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of rules related to the prevention of damage to underground facilities in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Damage Prevention Board by March 20, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 30th day of January 2017.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING/PUBLIC HEARING

***DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING***

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

***Thursday, March 23, 2017
9:30 a.m. - 3:00 p.m. (MT)***

(Note: North Idaho - Meeting Commences @ 8:30 a.m. PT)

9:30 a.m. CALL TO ORDER – Mark Van Slyke, Chairman

- Roll Call & Introductions
- Open Forum

CONSENT AGENDA

1. Approval of the March 23, 2017 Agenda
2. Approval of the January 26, 2017 Board Meeting Minutes

ACTION AGENDA

3. Acquisition of Virtual Private Dirt (VPD) Data Collection Program – Mark Van Slyke
4. Review of “Draft” Homeowners Violation Notice Letter – Mark Van Slyke

PUBLIC HEARING

5. Negotiated Rulemaking – Review Proposed Rules for Damage Prevention Board - DAG

INFORMATIONAL AGENDA

6. Subcommittee Reports – Board Chairs: Vaughn Rasmussen, Joe Leckie, Scott Spears
7. Definition of ‘Hand Dig’ – Jeanna Anderson
8. Discussion on Locates in the Right of Way – Jeanna Anderson
9. Administrator Report – Chris Jensen
 - a. Financial Report

3:00 p.m. ADJOURN

All times, other than beginning, are approximate and are scheduled according to Mountain Time (MT), unless otherwise noted. Agenda items may shift depending on Board preference. 2 /23/2017