



State of Idaho  
Division of Occupational and Professional Licenses  
Damage Prevention Board

**BRAD LITTLE** Governor  
**RUSSELL BARRON** Administrator

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**Draft Minutes of 06/15/2023**

<b>Board Members Present:</b>	Bob Chandler, Chair Nichole Rush, Vice-Chair Roy Ellis Jerry Piper Julie Maki Scott Spears Jeff Brooks Evan Powers Merril Quayle	<b>Division Staff:</b>	Amy Lorenzo, BCRE Bureau Chief Lea Kear, Legal Counsel Renee Bryant, Board Support Supv.
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**Board Members Absent:** Paul Good  
Michael Kimmel

The meeting was called to order at 9:00 AM MT by Chairman Bob Chandler.

Board Members Merrill Quayle, City/County Official, Evan Powers, Excavator, and Michael Kimmel, Contractor, were welcomed to the Board. Today's meeting is the last for Chairman Chandler, Board Member Nichole Rush and Board Member Roy Ellis as their terms have expired.

**APPROVAL OF MINUTES**

A motion was made and seconded to approve the 04/20/2023 meeting minutes. The motion carried unanimously.

**BOARD BUSINESS**

**IGC Civil Penalty Appeal:** An appeal hearing on DAM2302-0001, regarding Idaho Code §§ 55-2205 Notice of Excavation, and 55-2205(1)(b)(i) Notice of Excavation: Before Commencing Excavation, was presented to the Board. The Plaintiff and Defendant provided testimony and evidence. A motion was made and seconded to uphold the appeal. The motion carried unanimously.

**Call Center Audit:** A report on monies received by call centers, i.e., 10¢ per call, will be provided at the Board's next meeting.

**811 Poster:** The Board asked posters, 11x17, be mailed to contractors, as well as available at Utility Coordinating Committee meetings, conferences, etc. The Board chose an all-inclusive printing company. The PDF version of the poster will be placed on the Division's website. A motion was made and seconded to accept the poster, AlphaGraphics to be the vendor, the number

of posters to be printed will be based on the dollar amount of up to \$14,999, and 5,000 posters to be mailed to contractors. The motion carried unanimously.

**Education-Getting Safe Digging Information into Schools:** There was a discussion on ways to provide education in schools, and April is National Safe Digging Month.

**55-2202(21), (23) & (24) Concerning Irrigation:** Irrigation service lateral lines are exempt from being located. Damage is occurring more frequently as canals are going underground and lines are being covered and/or buried. There was discussion to address with irrigation districts, lateral users or smaller irrigation entities that don't formalize an actual district, to remove the exemption from statute or add verbiage that contractors are not responsible for damages they incur. This topic to be addressed at the next meeting.

**Dirt Report:** The 2021 Damage Information Reporting Tool (DIRT) report was provided. A more detailed report, comparison of the national average versus Idaho damages, will be provided at the next Board meeting. It was suggested, and the Board agreed, to have a standing item related to data updates on future agendas.

**Election of Chair and Vice Chair:** A motion was made and seconded to nominate Jerry Piper as Chairman, and Julie Maki as Vice-Chairman for Fiscal Year 2024. The motion carried unanimously.

#### **DIVISION BUSINESS**

**Training and Education Report:** The Training and Education Report was provided.

**Damage Prevention Board Statistics:** A report on the Damage Prevention Board Statistics was provided.

There was question on whether the Pipeline and Hazardous Materials Safety Administration (PHMSA) audit had been issued. Board Member Jeff Brooks offered to share the Public Utility Commission's PHMSA evaluation. The topic "PHMSA Report" to be addressed at the next meeting.

**Notice of Violation (NOV) Activity Report:** The NOV Activity Report was provided.

Chair Chandler ask the topic "Damage Prevention Board Booklets" to be addressed at the next Board meeting as an action item.

**Public Comment:** Upon reading Idaho Code 55-2203(10), Vice-Chair Rush suggested the Board move forward to make "Positive Response" mandatory in the state of Idaho.

Tyler Proszek, Damage Prevention Program Administrator, Avista Utilities, supports the "Idaho's Guide to Safe Digging Booklet" stating it is extremely helpful to the industry.

House Bill 235 becomes effective July 1, 2023, and further defines "emergency", "emergency excavation" and "notice of emergency excavation," as well as establishes a process for

underground facility owners to handle an emergency excavation. It also extends the length of time a maintained surface-marking for utility facilities is valid from three (3) weeks to four (4) weeks.

Board Member Merrill Quayle questioned “white lining”, i.e., possible options and definition.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:48 AM.

DRAFT