



# North Dakota Geological Survey

Edward C. Murphy - State Geologist

**Department of Mineral Resources**

Lynn D. Helms - Director

**North Dakota Industrial Commission**

[www.state.nd.us/ndgs](http://www.state.nd.us/ndgs)

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December 21, 2012

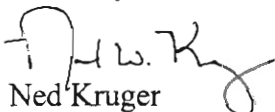
Mr. John Walstad  
Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, North Dakota 58505-0360

Dear Mr. Walstad:

Enclosed please find a copy of the full notice and proposed amendments to North Dakota Administrative Code 43-02-02, 43-02-02.3, and 43-02-2.4 subsurface mineral exploration and development, surface mining (non coal), and solution mining. The abbreviated notice is schedule to be published on Dec. 26, 2012 through Jan 1, 2013 and a public hearing is scheduled for January 22, 2013.

Thank you for your attention to this matter.

Sincerely,



Ned Kruger  
Subsurface Geologist

enclosures

**FULL NOTICE OF INTENT TO  
ADOPT AND AMEND ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Industrial Commission, Department of Mineral Resources (DMR), Geological Survey, will hold a public hearing to address proposed amendments to the North Dakota Administrative Code (NDAC) Chapter 43-02-02 and to create Chapters 43-02-02.3 and 43-02-02.4 at 9am on January 22th, 2013 in the Conference Room of Department of Mineral Resources Building, 1000 E. Calgary Avenue, Bismarck, North Dakota. The proposals are summarized below:

The purpose of the proposed amendments to Chapter 43-02-02 is update, clarify, and make the subsurface mineral exploration and development rules more consistent with the approved general rules and regulations of the DMR, Oil & Gas Division which are similar in scope and intent. Included are amendments to thirty-four existing sections, the repeal of eight existing sections, and the addition of thirty-two new sections. Amendments to the rules include, but are not limited to, the following general topic areas: miscellaneous rules; drilling (including permits and bonds); plugging of wells; well production operating practices; reports; and special rules of order on procedure governing the conservation of subsurface minerals. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed adoption of Chapter 43-02-02.3 is to create a new chapter that regulates non-coal surface mining. The chapter consists of twenty-six sections of rules including, but not limited to, the following topics: miscellaneous rules; bonds; permits and applications; fees; operating practices; performance and reclamation standards and requirements; and reports. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The purpose of the proposed adoption of Chapter 43-02-02.4 is to create a new chapter that regulates solution mining. The chapter consists of fifty sections of rules including, but not limited to, the following topics: miscellaneous rules; bonds; permits and applications; fees; surface facilities; mechanical integrity testing; operating practices; secondary containment; performance and reclamation standards and requirements; and reports. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of the North Dakota Geological Survey at 1016 East Calgary Avenue, Bismarck, ND, or online at <https://www.dmr.nd.gov/ndgs/>. A copy of the proposed rules may be requested by writing the above address or calling (701) 328-8000. Written comments on the proposed rules, sent to North Dakota Geological Survey, 600 E. Boulevard, Bismarck, ND 58505, and received by 5pm, February 1<sup>st</sup>, 2013, will be fully considered. Oral comments can be given at the public hearing at 9am on January 22<sup>nd</sup>, 2013.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at (701) 328-8000, or write to North Dakota Geological Survey, 600 E. Boulevard, Bismarck, ND 58505, no later than January 15, 2013.

Dated this 20<sup>th</sup> day of December, 2012.

Ed Murphy, State Geologist