



December 17, 2025

Ms. Liz Fordahl  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2nd Floor  
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to adopt Administrative Rule 43-20-20.5 and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Murphy", is written over the printed name.

Edward C. Murphy  
State Geologist

Enclosures



## FULL NOTICE OF INTENT TO ADOPT ADMINISTRATIVE RULES

TAKE NOTICE that the Department of Mineral Resources – Geological Survey will hold a public hearing to address proposed new rules, Exploration and Production of Critical Minerals in Coal-Bearing Formations, N.D. Admin. Code 43-02-02.5., at 1:30pm on Tuesday, January 20, 2026, at 1000 Calgary Avenue, Bismarck. The purpose of the proposed new rules is to reflect changes to N.D. Century Code 38-12. The proposed rules address the regulation of critical minerals exploration and critical minerals processing facilities.

The proposed rule is expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements House Bill 1459, enacted during the most recent legislative session, concerning the regulation of the exploration and production of critical minerals.

The proposed rules may be reviewed at the office of the North Dakota Department of Mineral Resources – Geological Survey, 1000 Calgary Avenue, Bismarck. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, e-mailing [ndgs@nd.gov](mailto:ndgs@nd.gov), or calling 701-328-8000. Written or oral comments on the proposed rules sent to the above address or telephone number and received by 5:00 pm on January 30, 2026 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Geological Survey at the above telephone number or address at least one week prior to the public hearing.

Dated this 17<sup>th</sup> day of December, 2025.



Nathan D. Anderson, Director

Mark F. Bohrer  
ASSISTANT DIRECTOR  
OIL AND GAS DIVISION

Nathan D. Anderson  
DIRECTOR  
DEPT. OF MINERAL RESOURCES

Edward C. Murphy  
STATE GEOLOGIST  
GEOLOGICAL SURVEY