

Weaver, Mathew

From: Thorneycroft, Kensie
Sent: Wednesday, August 25, 2021 4:33 PM
Cc: Costello, Sean; Luke, Tim; Golart, Aaron; Weaver, Mathew
Subject: IDAPA 37.03.07 Rule 61 Stream Channel Alteration Negotiated Rulemaking - Proposed Rule Update
Attachments: 370307_ProposedRuleFinal_20210708.pdf; 37.03.07.61_Rulemaking_Comment-ResponseSummaryTable.pdf

Dear Stakeholders,

I want to update you on the current status of IDWR's negotiated rulemaking regarding IDAPA 37.03.07 Rule 61 – Suction Dredges and Non-Powered Sluice Equipment. As you may recall, we held our last Rule 61 negotiated rulemaking public meeting on June 2, 2021. Following the June 2 meeting, IDWR published Strawman Draft Rule v2.0 to its webpage on June 9 and invited another round of written comments from the stakeholders. Comments regarding v2.0 were due to the Department by June 23. The Department received timely written comments from a number of stakeholders, which we have recently posted to our [webpage](#).

In response to the last round of comments, IDWR staff prepared a draft Proposed Rule reflecting the discussions and comments received through the negotiated rulemaking process. For a sneak peek of the Proposed Rule, I have attached a PDF copy with “track changes” formatting, highlighting all the substantive rule changes in response to the negotiated rulemaking process. We also made our best effort to summarize written and oral comments received through the process, along with written IDWR responses. A PDF copy of our comment/response summary document is also attached to my email.

We had hoped to publish the Rule 61 Proposed Rule in the July Administrative Bulletin. However, the [Office of the Administrative Rules Coordinator](#) (“OAR”) required all Zero Based Regulation rulemaking—of which this rulemaking is one—to publish proposed rules in either the September or October administrative bulletins. As a result, the OAR will publish IDWR's Rule 61 Proposed Rule in the September 1, 2021, Vol. 21-9, Idaho Administrative Bulletin. Once the Bulletin is published, IDWR will link to it from our rulemaking webpage. You will also be able to view it on [OAR's Bulletin Publication webpage](#).

Starting on September 1, stakeholders and the public will have 14 days to submit a request for “an opportunity for oral presentation” (i.e., a public hearing) and 21 days to submit written comments regarding the Rule 61 Propose Rule. Requests for a public meeting and submittal of written comments must be made consistent with [Idaho Code, Section 67-5222](#).

IDWR will evaluate any comments it receives regarding the Proposed Rule, decide how to respond, and publish any changes to the Proposed Rule in a subsequent Pending Rule Publication, which should get published in the November Bulletin. If all goes to plan, the Idaho Legislature should consider the Pending Rule during its 2022 Legislative Session.

Thank you for your ongoing participation in this rulemaking.

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