

IDAPA 20 - IDAHO DEPARTMENT OF LANDS

20.03.16 - RULES GOVERNING OIL AND GAS LEASING ON IDAHO STATE LANDS

DOCKET NO. 20-0316-1401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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 being done in compliance with Article 9, Sections 7 and 8 of the Idaho Constitution; Sections 58-104(1), 58-104(6), 58-104(9), 58-105, and 58-127, Idaho Code; Section 58-307, Idaho Code; Title 47, Chapter 7, Idaho Code; and Title 47, Chapter 8, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by Wednesday, December 31, 2014.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Please contact Sid Anderson at 208-334-0279 or asanderson@idl.idaho.gov to be added to the e-mail list of interested parties. This list will be used to keep people informed of the rulemaking process. You may visit our website at www.idl.idaho.gov for updates on the process and draft rule changes.

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:

IDAPA 20.03.16 was originally adopted in 1988. The Department has identified potential changes and clarifications to further improve oil and gas leasing and is proposing to initiate this rulemaking process. This rulemaking will:

1. Clarify the definitions of:
 - Qualified applicant/lessee;
 - State lands and mineral estate;
 - Lease;
2. Clarify exploration permitting process and fees;
3. Align royalty rate language with Title 47, Chapter 7, Idaho Code;
4. Clarify the obligations of lease auction participants;
5. Improve leased area language to minimize unnecessary small acreage leases;
6. Clarify differences between premium bids at auction and lease rates;
7. Update advertising process to comport with today's practices;
8. Adjust exploration fees to match market rates; and
9. Adjust rule formatting to comply with current Administrative Rule standards, and general housekeeping on current rule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Sid Anderson, Mineral Leasing Program Manager. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Lands web site at the following web address: www.idl.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before Wednesday, December 31, 2014.

DATED this 6th day of June, 2014.

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