

# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

**Submitted for Review Before**  
**Senate Resources &**  
**Environment Committee**  
**64th Idaho Legislature**  
**First Regular Session -- 2017**



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2017*

# ***SENATE RESOURCES & ENVIRONMENT COMMITTEE***

## ***ADMINISTRATIVE RULES REVIEW***

### ***Table of Contents***

#### ***2017 Legislative Session***

#### **IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME**

<b><i>13.01.08 – Rules Governing the Taking of Big Game Animals in the State of Idaho</i></b>	
Docket No. 13-0108-1601 .....	3
<b><i>13.01.09 – Rules Governing the Taking of Game Birds in the State of Idaho</i></b>	
Docket No. 13-0109-1601 .....	16
Docket No. 13-0109-1602 .....	21
<b><i>13.01.11 – Rules Governing Fish</i></b>	
Docket No. 13-0111-1601 .....	27
<b><i>13.01.17 – Rules Governing the Use of Bait and Trapping for Taking Big Game Animals</i></b>	
Docket No. 13-0117-1601 .....	30

#### **IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

<b><i>20.02.14 – Rules for Selling Forest Products on State-Owned Endowment Lands</i></b>	
Docket No. 20-0214-1601 .....	33
<b><i>20.07.01 – Rules of Practice and Procedure Before the Idaho Oil and Gas Conservation Commission</i></b>	
Docket No. 20-0701-1601 (Chapter Repeal) .....	39
<b><i>20.07.02 – Rules Governing Conservation of Oil and Natural Gas in the State of Idaho</i></b>	
Docket No. 20-0702-1601 .....	41

#### **IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION**

<b><i>26.01.20 – Rules Governing the Administration of Park and Recreation Areas and Facilities</i></b>	
Docket No. 26-0120-1601 .....	91

#### **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

<b><i>58.01.03 – Individual/Subsurface Sewage Disposal Rules</i></b>	
Docket No. 58-0103-1501 .....	97

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), and 36-1101(a), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The proposed rules administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list. The proposed rules do not make any decision to delist grizzly bears and do not propose to open any hunting season for grizzly bear in Idaho.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 379 to 390](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jon Rachel, (208) 334-2920.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104(b) and 36-1101(a), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, October 12, 2016 - 7:00 pm**

**Washington Group, Main Auditorium  
720 East Park Blvd.  
Boise, ID**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rules administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list. The proposed rules do not make any decision to delist grizzly bears and do not propose to open any hunting season for grizzly bear in Idaho.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6 Idaho Administrative Bulletin, [Vol. 16-7, pages 59-60](#). Subsequently, negotiated rulemaking was determined infeasible on August 8, 2016 because public comment overwhelmingly concerned issues outside the scope of the rule proposals.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, Jon Rachael, (208) 334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 29th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0108-1601**

**006. -- ~~009.~~ (RESERVED)**

**~~010.~~ DEFINITIONS.**

<del>01.</del>	<del><b>Big Game Animals.</b> Big game animals are defined as the following species:</del>	<del>(7-1-93)</del>
<del>a.</del>	<del>Mule deer — <i>Odocoileus hemionus</i>.</del>	<del>(7-1-93)</del>
<del>b.</del>	<del>White tailed deer — <i>Odocoileus virginianus</i>.</del>	<del>(7-1-93)</del>
<del>c.</del>	<del>Elk — <i>Cervus elaphus</i>.</del>	<del>(7-1-93)</del>
<del>d.</del>	<del>Moose — <i>Alces alces</i>.</del>	<del>(7-1-93)</del>
<del>e.</del>	<del>Pronghorn antelope — <i>Antilocapra americana</i>.</del>	<del>(7-1-93)</del>
<del>f.</del>	<del>Rocky Mountain bighorn sheep — <i>Ovis canadensis canadensis</i>.</del>	<del>(7-1-93)</del>
<del>g.</del>	<del>California bighorn sheep — <i>Ovis canadensis californiana</i>.</del>	<del>(7-1-93)</del>
<del>h.</del>	<del>Mountain goat — <i>Oreamnos americanus</i>.</del>	<del>(7-1-93)</del>
<del>i.</del>	<del>Black bear — <i>Ursus americanus</i>.</del>	<del>(7-1-93)</del>
<del>j.</del>	<del>Mountain lion — <i>Puma concolor</i>.</del>	<del>(4-5-00)</del>
<del>k.</del>	<del>Gray wolf — <i>Canis lupus</i>.</del>	<del>(4-6-05)</del>
<del>011.</del> 199.	(RESERVED)	

**(BREAK IN CONTINUITY OF SECTIONS)**

**260. TAGS FOR CONTROLLED HUNTS.**

**01. Use of Controlled Hunt Tags.** No person may hunt in any controlled hunt without having a valid controlled hunt tag in possession. (4-7-11)

**a.** A controlled hunt area with an “X” suffix is an extra tag hunt. (10-26-94)

**b.** In the event a tag is issued based on erroneous information, the tag will be invalidated by the Department and may NOT be used. The Department will notify the hunter of the invalidation of the tag. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (4-7-11)

**c.** Any person who draws a controlled hunt tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT: (4-7-11)

**i.** The hunter may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first deer drawing allowing the hunter to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. (4-7-11)

**ii.** If the hunter draws an unlimited controlled hunt, the hunter may relinquish the controlled hunt prior to purchasing, allowing the hunter to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. (4-7-11)

**iii.** The holder of a deer controlled hunt tag may purchase a nonresident general season tag as a second tag and may purchase a controlled hunt extra tag for deer. (4-7-11)

**iv.** Any person who draws a controlled hunt extra tag for deer may hunt in any other deer hunt--archery,

muzzleloader, general or controlled hunt. (4-7-11)

**d.** Any person who draws a controlled hunt tag for elk is prohibited from hunting in any other elk hunt--archery, muzzleloader, or general; EXCEPT: (4-7-11)

i. The hunter may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first elk drawing allowing the hunter to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. (4-7-11)

ii. If the hunter draws an unlimited controlled hunt, the hunter may relinquish the controlled hunt prior to purchasing, allowing the hunter to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. (4-7-11)

iii. The holder of an elk controlled hunt tag may purchase a nonresident general season tag as a second tag and may purchase a controlled hunt extra tag for elk. (4-7-11)

iv. Any person who draws a controlled hunt extra tag for elk may hunt in any other elk hunt--archery, muzzleloader, general or controlled hunt. (4-7-11)

**e.** Any person who draws a controlled hunt tag for pronghorn is prohibited from hunting in any other pronghorn hunt; EXCEPT: (4-7-11)

i. The hunter may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first pronghorn drawing allowing the hunter to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. (4-7-11)

ii. If the hunter draws an unlimited controlled hunt, the hunter may relinquish the controlled hunt prior to purchasing, allowing the hunter to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. (4-7-11)

iii. The holder of a pronghorn controlled hunt tag may purchase a controlled hunt extra tag for pronghorn. (4-7-11)

iv. Any person who draws a pronghorn controlled hunt extra tag may apply for a controlled hunt tag for pronghorn. (4-7-11)

**f.** Any person who draws a spring controlled hunt tag for black bear, may choose to purchase the controlled hunt bear tag or exchange a general season bear tag for the controlled hunt bear tag. If the hunter chooses to exchange a general season bear tag for the controlled hunt bear tag the hunter must return the unused tag to a Department office to exchange the tag for the appropriate controlled hunt tag. (4-7-11)

**g.** Any person who draws a fall controlled hunt tag may choose to purchase the controlled hunt bear tag or exchange a general season bear tag for the controlled hunt bear tag. If the hunter chooses to exchange a general season bear tag for the controlled hunt bear tag the hunter must return the unused tag to a Department office to exchange the tag for the appropriate controlled hunt tag; EXCEPT; the hunter may choose not to purchase the controlled hunt tag by the date set by Commission rule for the fall bear drawing. (4-7-11)

**h.** Any resident adult person who possesses any controlled hunt tag may designate the controlled hunt tag to his or her resident minor child or grandchild who is qualified to participate in the hunt. (3-20-14)

i. Rules for use of controlled hunt tags in Sections 260 and 261 apply to any resident adult person who possesses and designates a control hunt tag to his or her resident minor child or grandchild. Rules for eligibility in Section 260 apply to any resident adult person who possesses and designates a control hunt tag and to the designated resident minor child or grandchild, except that 260.03.d., 03.f., 03.g. and 03.h. apply to the designated child or grandchild. Mandatory school as provided in Section 270 shall apply to the designated resident minor child or grandchild. (3-25-16)

ii. Designation of the controlled hunt tag shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (4-4-13)

iii. Any resident child or grandchild cannot be designated more than one control hunt tag per species per calendar year. (4-4-13)

iv. Designation of a controlled hunt tag shall be completed before the first opening hunt date for the tag. (4-4-13)

i. Any nonresident adult person who possesses any controlled hunt tag may designate the controlled hunt tag to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. (3-20-14)

i. Rules for use of controlled hunt tags in Sections 260 and 261 apply to any nonresident adult person who possesses and designates his or her control hunt tag to his or her nonresident minor child or grandchild. Rules for eligibility in Section 260 apply to any nonresident adult person who possesses and designates a control hunt tag and to the designated nonresident minor child or grandchild except that 260.03.d., 03.f., 03.g., and 03.h. apply to the designated child or grandchild. Mandatory school as provided in Section 270 shall apply to the designated nonresident minor child or grandchild. (3-25-16)

ii. Designation of the controlled hunt tag shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (4-4-13)

iii. Any nonresident child or grandchild cannot be designated more than one control hunt tag per species per calendar year. (4-4-13)

iv. Designation of a controlled hunt tag shall be completed before the first opening hunt date for the tag. (4-4-13)

**02. Nonresident Tag Limitations. (4-7-11)**

a. In controlled hunts with ten (10) or fewer tags, not more than one (1) nonresident tag will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) tags, not more than ten percent (10%) of the tags will be issued to nonresidents. This rule shall be applied to each uniquely numbered controlled hunt and to the controlled hunts for each species. (4-7-11)

b. Outfitter allocated hunts are exempt from the limitation of Subsection 260.02.a. (3-20-04)

c. For each species, the total number of outfitter allocated controlled hunt tags shall be subtracted from the result of ten percent (10%) of the sum of all controlled hunt tags; including outfitter allocated controlled hunts, but excluding all unlimited controlled hunts. In addition to the limitations of Subsection 260.02.a., the resulting net number shall be the maximum number of controlled hunt tags that may be issued to nonresidents for all controlled hunts except outfitter allocated and unlimited controlled hunts. (4-7-11)

d. Governor's Wildlife Partnership Tags for deer, elk, pronghorn, bighorn sheep, mountain goat, and moose shall be taken from the nonresident tag quota and availability is subject to Nonresident Tag Limitations. (4-4-13)

**03. Eligibility.** Any person possessing a valid Idaho hunting license is eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

a. Holders of a Nongame Hunting License (Type 208) may not apply for any controlled hunt. (4-6-05)

b. Any person whose name was drawn on a controlled hunt for either sub-species of bighorn sheep may not apply for any bighorn tag for two (2) years. Except that a person may apply for a bighorn tag in the second application period or a leftover bighorn tag the following year. Any person whose name was drawn on a controlled

hunt for mountain goat may not apply for a mountain goat tag for two (2) years. Except that a person may apply for a mountain goat tag in the second application period or a leftover mountain goat tag the following year. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Except that a person may apply for a moose tag in the second application period or a leftover moose tag the following year. Any person whose name was drawn on a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Except that a person may apply for an antlered-only deer tag in the second application period or a leftover antlered-only deer tag the following year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. Except that a person may apply for an antlered-only elk tag in the second application period or a leftover antlered-only elk tag the following year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of tags, Landowner Appreciation Program tags, or Governor's Wildlife Partnership Tags. EXCEPT all successful and unsuccessful pronghorn, deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled pronghorn/deer/elk tags to hunt in any open general and/or controlled pronghorn, deer or elk hunt in the following hunting season. (4-4-13)

**c.** Any person applying for a bighorn sheep, mountain goat, or moose controlled hunt may NOT apply for any other controlled hunt in the same year EXCEPT Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or pronghorn. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in second application period for deer, elk, and pronghorn and the first-come, first-served deer, elk and pronghorn controlled hunt permit sales. (4-7-11)

**d.** Any person who has killed a California bighorn ram or a Rocky Mountain bighorn ram on any controlled hunt may not apply for a tag for the same subspecies, EXCEPT any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram tag for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram tag for any hunt south of Interstate Highway 84. Bighorn sheep auction tag recipients under IDAPA 13.01.04.700 and lottery tag recipients under IDAPA 13.01.04.800 are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep of either subspecies. (4-4-13)

**e.** No person applying for a Rocky Mountain bighorn sheep controlled hunt as a first choice shall apply for a California bighorn sheep controlled hunt as a second choice. No person applying for a California bighorn sheep controlled hunt as a first choice shall apply for a Rocky Mountain bighorn sheep controlled hunt as a second choice. No person shall apply for both a Rocky Mountain and a California bighorn the same year. (7-1-93)

**f.** Any person who kills a bighorn ewe may not apply for another bighorn ewe controlled hunt tag for five (5) years. The harvest of a bighorn ewe does not make the hunter ineligible to apply for a tag to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe may not apply for any bighorn ram the same year. (4-7-11)

**g.** Any person who has killed a mountain goat since 1977 may not apply for a mountain goat tag. (4-7-11)

**h.** Any person who has killed an antlered moose in Idaho may not apply for a moose tag for antlered moose, and any person who has killed an antlerless moose in Idaho may not apply for a tag for antlerless moose EXCEPT that any person may apply for tags remaining unfilled after the controlled hunt draw. (4-7-11)

**i.** Any person who has killed a grizzly bear in Idaho may not apply for a grizzly bear tag. ( )

**j.** Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature. (7-1-98)

**k.** Any person may apply for both a controlled hunt tag and a controlled hunt extra tag. (4-7-11)

**l.** Nonresident hound hunters applying for controlled black bear hunts must first obtain a Hound



Hunter Permit pursuant to IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs." (7-1-99)

**m.** Any person applying for an outfitter allocated controlled hunt must have a written agreement with the outfitter before submitting the controlled hunt application. (4-11-06)

**u.** The Commission establishes youth only controlled hunts by proclamation. Only hunters ten (10) to seventeen (17) years of age with a valid license may apply for youth only controlled hunts, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license or a nonresident disabled American Veteran hunting license may apply for first-come, first-served leftover youth only controlled hunt permits. (3-25-16)

**04. Applications.** Individual applications or group applications for controlled hunts may be submitted electronically through the automated licensing system at any vendor location, through the Internet, over the telephone, or by mail to the Headquarters Office of the Idaho Department of Fish and Game or any Idaho Fish and Game Regional Office and shall be submitted with a postmarked not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final; EXCEPT: applicants who would like to change their submitted controlled hunt application may request the original application be canceled to resubmit a new controlled hunt application during the applicable application period. The new application is subject to the appropriate application fees. (4-7-11)

- a. Spring black bear, spring grizzly bear -- Application period - January 15 - February 15. ~~(4-6-05)~~( )
- b. Moose, bighorn sheep, and mountain goat -- Application period for first drawing - April 1 - 30. (4-6-05)
- c. Deer, elk, pronghorn, fall black bear, fall grizzly bear, and gray wolves -- Application period for first drawing -- May 1-June 5. ~~(4-7-11)~~( )
- d. Moose, bighorn sheep, and mountain goat - Application period for second drawing, if applicable - June 15-25. (4-6-05)
- e. Deer, elk, pronghorn, fall black bear, fall grizzly bear, and gray wolves -- Application period for second drawing -- August 5-15. ~~(4-7-11)~~( )

**05. Applicant Requirements.** Applicants must comply with the following requirements: (7-1-93)

- a. Only one (1) application, per person or group, will be accepted for the same species, EXCEPT a person or group may submit one additional application for a controlled hunt extra tag for the same species. Additional applications for the same person or group for the same species will result in all applicants being declared ineligible. (4-7-11)
- b. Only one (1) controlled hunt extra tag will be issued for each person on any application submitted. (4-7-11)
- c. Several applications may be submitted in a single envelope so long as each application is for a single species, a single applicant or group, and both hunts on an application must be controlled hunt tag hunts or controlled hunt extra tag hunts. (4-7-11)
- d. Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is set by Section 36-416, Idaho Code, per person per hunt, for deer, elk, pronghorn, moose, bighorn sheep, mountain goat, black bear, and gray wolf, applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, pronghorn, black bear, or gray wolf. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee

with their application. Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will receive a tag in the mail. (4-7-11)

**e.** Any controlled hunt tags, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold by any Point-of-Sale vendor, through the Internet, or over the telephone on a first-come, first-served basis on the dates below UNLESS such day is a Sunday or legal holiday, in which case the permits will go on sale the next legal business day. A controlled hunt application and tag will be issued to successful controlled hunt purchasers. The ten percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. (4-7-11)

i. Spring Turkey and Spring Bear - April 1. (4-7-11)

ii. Moose, Bighorn Sheep and Mountain Goat - July 10. (4-7-11)

iii. Deer, Elk, Pronghorn and Fall Bear - August 25. (4-7-11)

**f.** A “group application” for deer, elk, and pronghorn is defined as two, three, or four (2, 3, or 4) hunters applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (4-7-11)

**g.** A “group application” for moose, bighorn sheep, mountain goat, black bear, and gray wolf, is defined as two (2) hunters applying for the same controlled hunt on the same application. Both hunters must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. (3-29-10)

**h.** If a group application exceeds the number of tags available in a hunt that group application will not be selected for that hunt. (4-7-11)

**i.** Landowner permission hunt tags will be sold first-come, first-served basis at the Headquarters or regional offices of the Idaho Department of Fish and Game after July 15. (4-7-11)

**j.** Deer and elk unlimited controlled hunts as identified by the Fish and Game Commission's Big Game Season Proclamation as “first-choice only” may be applied for only as a first choice controlled hunt during the controlled hunt application process. The Proclamation is published in a brochure available at department offices and license vendors. (4-11-15)

**06. Refunds of Controlled Hunt Fees. (7-1-93)**

**a.** Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise. (3-20-97)

**b.** Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

**c.** Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

**d.** Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. (7-1-93)

**e.** Application fees are nonrefundable. (4-7-11)

**f.** Fees for resident and nonresident adult control hunt tags that are subsequently designated to a minor child or grandchild are not refundable. (4-4-13)

**07. Controlled Hunt Drawing.** Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing, provided the second choice hunt applied for has not been filled. (7-1-93)

**08. Unclaimed Tags.** Successful applicants for the first deer, elk, black bear, gray wolf, or pronghorn controlled hunt drawing must purchase and pick up their controlled hunt tag by August 1. All controlled hunt tags not purchased and picked up will be entered into a second controlled hunt drawing. Any controlled hunt tags left over or unclaimed after the second controlled hunt drawing will be sold on a first-come, first-served basis. (4-7-11)

**09. Second Drawing Exclusion.** The Director may designate certain leftover controlled hunt tags to become immediately available on a first-come, first-served over-the-counter basis due to the dates of the hunt. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. IDENTIFICATION OF ANIMALS THAT LEGALLY MAY BE TAKEN.**

**01. Big Game Animals of Either Sex.** Big game animals of either sex may be taken as noted below: (7-1-93)

- a.** Mountain Goat. Either sex may be taken EXCEPT nannies accompanied by kids. (7-1-93)
- b.** Black Bear. Either sex may be taken EXCEPT female black bears accompanied by young. (7-1-93)
- c.** Mountain Lion. Either sex may be taken EXCEPT spotted young or females accompanied by young. (7-1-93)
- d.** Gray Wolf. Either sex may be taken. (3-29-10)

**e.** Grizzly Bear. Either sex may be taken EXCEPT adult grizzly bear accompanied by young, or young grizzly bear(s) accompanied by adult grizzly bear(s). ( )

**02. Seasons Restricted to Antlered or Male Animals Only.** (7-1-93)

**a.** Deer. Only deer with at least one (1) antler longer than three (3) inches may be taken in any season which is open for antlered deer only. (7-1-93)

**b.** Two-point deer. Only deer with not more than two (2) points on one (1) antler, not including brow point, and at least one (1) antler longer than three (3) inches may be taken in any season which is open for two-point deer only. A point is an antler projection that is at least one (1) inch long and longer than the width of the projection. (7-1-99)

**c.** Three-point deer. Only deer having at least one (1) antler with three (3) or more points not counting the brow point or tine may be taken in any season which is open for three-point or larger deer only. A point is an antler projection that is at least one (1) inch long and longer than the width of the projection. (3-15-02)

**d.** Four-point deer. Only deer having at least one (1) antler with four (4) or more points, not including the brow point or tine, may be taken in any season that is open for four-point or larger deer only. (4-6-05)

**e.** Elk. Only elk with at least one (1) antler longer than six (6) inches may be taken in any season which is open for antlered elk only. (7-1-99)

**f.** Spike elk. Only elk with no branching on either antler and at least one (1) antler longer than six (6) inches may be taken in any season which is open for spike elk only. A branch is an antler projection that is at least one

(1) inch long and longer than the width of the projection. (7-1-99)

**g.** Brow-tined elk. Any elk having an antler or antlers with a visible point on the lower half of either main beam that is greater than or equal to four (4) inches long. (3-15-02)

**h.** Moose. Only moose with at least one (1) antler longer than six (6) inches may be taken in any season open for antlered moose only. (7-1-93)

**03. Seasons Restricted to Antlerless or Female Animals Only.** (7-1-93)

**a.** Deer. Only deer without antlers or with antlers shorter than three (3) inches may be taken in any season which is open for antlerless deer only. (7-1-93)

**b.** Elk. Only elk without antlers or with antlers shorter than six (6) inches may be taken in any season which is open for antlerless elk only. (7-1-93)

**c.** Pronghorn. Only pronghorn without a black "cheek patch" or horns less than three (3) inches long may be taken during doe and fawn only pronghorn seasons. (4-7-11)

**d.** Bighorn sheep. Only bighorn sheep with horns between six (6) inches and twelve (12) inches in length may be taken in any season which is open for bighorn ewes only. (7-1-93)

**e.** Moose. Only moose without antlers or with antlers less than six (6) inches long may be taken in any season which is open for antlerless moose only. (7-1-93)

**301. -- 319. (RESERVED)**

**320. TAG VALIDATION AND ATTACHMENT AND PROXY STATEMENT.**

**01. Tag.** Immediately after any deer, elk, pronghorn, moose, bighorn sheep, mountain goat, mountain lion, black bear, grizzly bear, or gray wolf is killed, the appropriate big game animal tag must be validated and securely attached to the animal. ~~(4-7-11)~~( )

**a.** Validation. Cut out and completely remove only the two (2) triangles indicating the date and month of kill. (7-1-93)

**b.** Attachment of Tag. (7-1-93)

**i.** Deer, elk, pronghorn, moose, mountain goat, black bear, and bighorn sheep: to the largest portion of the edible meat to be retained by the hunter or any person transporting for the hunter. The tag must remain attached during transit to a place of processing and must remain attached until the meat is processed. The validated tag must accompany the processed meat to the place of final storage or final consumption. (4-7-11)

**ii.** Mountain lion, black bear, grizzly bear, and gray wolf: To the hide. ~~(4-7-11)~~( )

**02. Proxy Statement.** Any person transporting or possessing any portion of a carcass of a big game animal or processed big game animal meat taken by another must have in possession a written statement signed by the taker showing the number and kinds of animals, the date taken, the taker's name and address, the taker's hunting license number, and the taker's tag number. (4-7-11)

**321. -- 349. (RESERVED)**

**350. IDENTIFICATION OF SEX, SIZE, AND/OR SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.**

**01. Evidence of Sex.** Evidence of sex must be left naturally attached to the carcass of any big game animal. (4-6-05)

a. In antlered or male only seasons, the evidence of sex requirement is met when the head, horns, or antlers are left naturally attached to the whole carcass or to a front quarter. If the head, horns, or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a commercial meat processing facility; AND the horns or antlers must accompany the carcass while in transit. (5-8-09)

b. In spike elk or two-point (2) deer only seasons, the evidence of sex requirement is met when the head with both complete unaltered antlers are left naturally attached to the whole carcass or to a front quarter. If the head or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left or a commercial meat processing facility naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption; AND both complete unaltered antlers naturally attached to each other must accompany the carcass while in transit. (5-8-09)

c. In antlerless, doe/fawn or female only seasons, if the head is removed from female elk, moose, deer, pronghorn, or bighorn sheep, some other external evidence of sex (either udder or the vulva) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption or a commercial meat processing facility. (4-7-11)

d. The entire head of antlerless male elk, moose, deer, or pronghorn, or a male lamb bighorn sheep killed during an antlerless, female, doe/fawn or ewe only season, may be left naturally attached to the carcass or to a front quarter until the carcass reaches the final place of storage or consumption. If the head is removed, some other external evidence of sex (either scrotum, penis, or testicles) must be left naturally attached to the carcass or to a hind quarter until the carcass reaches the final place of storage or consumption, or a commercial meat processing facility, AND the lower jaw must accompany the carcass while in transit. (4-7-11)

e. For black bear, grizzly bear, mountain lion, and gray wolf external evidence of sex (either scrotum, penis or testicles for males, or vulva for females) must be left naturally attached to the hide until the mandatory check has been complied with. ~~(3-29-10)~~ ( )

**02. Evidence of Species.** In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass. (7-1-93)

**03. Evidence of Size.** Any hunter taking a bighorn ram must leave that portion of the skull plate containing the upper one-half (1/2) of the eye socket naturally attached to both of the horns until after the horns have been pinned by the Department. (7-1-93)

**04. Other.** The Department may designate seasons and areas in which the head or lower jaw must accompany the carcass in transit. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**420. MANDATORY CHECK AND REPORT REQUIREMENTS.**

Any hunter killing black bear, moose, bighorn sheep, ~~or~~ mountain goat, or gray wolf, or mountain lion in a unit with no female lion quota must, WITHIN TEN (10) DAYS OF THE DATE OF KILL, or any hunter killing mountain lion in a unit with a female quota or a grizzly bear must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL, ~~or any hunter killing a gray wolf must, WITHIN TEN (10) DAYS OF THE DATE OF KILL,~~ comply with the mandatory check and report requirements by: ~~(4-7-11)~~ ( )

**01. Harvest Report.** Completing the relevant harvest report (big game mortality report or other report form as required) for the species taken. (4-6-05)

**02. Presentation of Animal Parts.** Presenting the following animal parts so that Department personnel may collect biological data and mark the animal parts: (7-1-93)

a. Black Bear: Skull and hide to be presented to a conservation officer, regional office or official check point for removal and retention of premolar tooth and to have the hide marked. No person, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw black bear pelt which does not have an official state export tag attached (either Idaho's or another state's official export documentation). ~~(3-29-10)~~ ( )

b. Grizzly Bear: Skull and hide to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked. No person, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, shall have in possession, except during the open season and for five (5) days after the close of the season, any raw grizzly bear pelt that does not have an official state export tag attached (either Idaho's or another state's official export documentation). ( )

bc. Mountain Lion: Skull and hide to be presented to a conservation officer or regional office to have the hide marked. No person, who does not possess a fur buyer or taxidermist license and/or appropriate import documentation, shall have in possession, except during the open season and for five (5) days after the close of the season, any raw mountain lion pelt which does not have an official state export tag attached (either Idaho's or another state's official export documentation). (3-29-10)

ed. Gray Wolf: Skull and hide to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked. No person who does not possess a fur buyer or taxidermist license and/or appropriate import documentation shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw gray wolf pelt that does not have an official state export tag attached (either Idaho's or another state's official export documentation). (4-7-11)

de. Moose: Antlers from antlered animals to be presented to a conservation officer or regional office. (7-1-93)

ef. Bighorn Sheep: Ram horns to be presented to a regional office for marking, ewe horns to be presented to a regional office. (7-1-93)

fg. Mountain Goat: Horns to be presented to a conservation officer or regional office. (7-1-93)

03. **Authorized Representative.** A hunter may authorize another person to comply with the above requirements if that person complies with reporting requirements and possesses enough information to accurately complete the necessary form. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**422. MANDATORY WOLF TELEPHONE REPORT.**

01. Gray Wolf. In addition to other check and reporting requirements, any hunter killing a gray wolf must report the harvest within seventy-two (72) hours by calling the Wolf Reporting Number, a toll-free telephone number published in the ~~gray wolf season~~ big game seasons and rules brochure available at Department offices and license vendors. ~~(4-7-11)~~ ( )

02. Grizzly Bear. In addition to other check and reporting requirements, any hunter killing a grizzly bear must report the harvest within twenty-four (24) hours by calling the Grizzly Bear Reporting Number, a toll-free telephone number published in the grizzly bear season and rules brochure available at Department offices and on the Department website. ( )

423. -- 499. (RESERVED)

**500. AREAS CLOSED TO HUNTING OF BIG GAME ANIMALS.**

01. **Restricted Areas for Big Game.** Hunting, killing, or molesting of any big game animal is

prohibited in the following areas:

(7-1-93)

**a.** Craters of the Moon National Monument and Preserve in Blaine and Butte Counties; the boundary of the Craters of the Moon National Monument was recently greatly enlarged by Presidential Proclamation. All of the lands added to the Monument and Preserve remain open to hunting, while lands within the former National Monument remain closed to hunting. It is the hunter's responsibility to check the current status of open/closed area boundaries prior to hunting. (4-6-05)

**b.** All state parks, EXCEPT Farragut State Park that has a November/December deer archery season, Billingsley Creek at Malad Gorge State Park, Castle Rock State Park and state land within the City of Rocks National Reserve are all open to hunting; (4-6-05)

**c.** Harriman State Park Wildlife Refuge. (4-6-05)

**d.** Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)

**e.** That portion of Ada County within Veterans Memorial Park and the area between State Highway 21 to Warm Springs Avenue and the Boise City limits; (4-6-05)

**f.** Yellowstone National Park in Fremont County; (7-1-93)

**g.** On any of those portions of State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which hunting closures have been declared by legislative or Commission action; (7-1-93)

**h.** All or portions of national wildlife refuges, EXCEPT as specified in federal regulations for individual refuges; and, (7-1-93)

**i.** All Snake River islands between the Glenns Ferry bridge and the Sailor Creek bridge in Elmore County. (7-1-93)

**j.** Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area of fifty (50) feet in elevation above the high water level of the Snake River. The upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to the river. (3-20-97)

**02. Mountain Lions and Gray Wolves.** Mountain lion or gray wolf may not be hunted or pursued within one-half (1/2) mile of any active Department of Fish and Game big game feeding site. (3-29-10)

**03. Black Bear, Grizzly Bear, and Gray Wolves.** Black bear, grizzly bear, or gray wolf may not be hunted or pursued within two hundred (200) yards of the perimeter of any designated dump ground or sanitary landfill. ~~(3-29-10)~~ ( )



## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103(b), and 36-104(b), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule modifies the current boundary of the Hagerman goose hunting closure area to remove certain private property to allow hunting to reduce goose depredation on crops.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 398 to 401](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Toby Boudreau, (208) 324-4359.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 8, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-103(b) and 36-104(b), Idaho Code.



**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule modifies the current boundary of the Hagerman goose hunting closure area to remove certain private property to allow hunting to reduce goose depredation on crops.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Reduces goose depredation on private property during the 2016-17 goose season.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because negotiated rulemaking for the boundary for the Hagerman goose hunting closure was conducted during 2015; this rule is a very slight modification to the negotiated rule and was not inconsistent with negotiations.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Toby Boudreaux, (208) 324-4359.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 17th day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-1601**

**400. AREAS CLOSED TO HUNTING OF GAME BIRDS.**

**01. General.** Hunting, killing, or molesting of any game bird is prohibited in the following areas: (7-1-93)

**a.** That area of Craters of the Moon National Monument in Blaine and Butte Counties prior to the November 2000 expansion of the Monument by Presidential decree. It is the hunter's responsibility to check with the Park Service to be able to identify the closed area. (4-6-05)

**b.** Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area fifty (50) feet in elevation above the high water level of the Snake River (the upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to the river). (3-20-97)

**c.** Harriman State Park Wildlife Refuge in Fremont County. (7-1-93)

**d.** Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties. (7-1-93)

**e.** That portion of Ada County within Veterans Memorial Park and the area between State Highway 21, Warm Springs Avenue and the Boise City limits. (5-3-03)

**f.** Yellowstone National Park in Fremont County. (7-1-93)

**g.** Fort Boise Wildlife Management Area (WMA) in Canyon County from September 15 through the end of the waterfowl hunting season in the area enclosed by the following boundary: Beginning at the bridge across Sand Hollow Creek on Old Fort Boise Road approximately one hundred (100) yards west of the WMA headquarters, then north along the east bank of Sand Hollow Creek to its confluence with the Snake River, then north and northeast downstream along the east bank of the Snake River to the WMA boundary fence, then south and southeast along the WMA boundary fence to Old Fort Boise Road, then west on Old Fort Boise Road to the point of beginning. (3-20-97)

**h.** Roswell Marsh Wildlife Habitat Area in Canyon County on Sundays, Mondays, Tuesdays and Wednesdays from September 15 through the end of the waterfowl hunting season in the area south of Highway 18 and west of Pebble Lane (Roswell Marsh segment). (5-3-03)

**i.** On any of those portions of federal refuges, State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which bird hunting closures have been declared by legislative or Commission action EXCEPT as otherwise expressly stated below in Section 410 under Game Preserves Open to Hunting of Game Birds. (7-1-93)

**j.** Mann's Lake in Nez Perce County and extending three hundred (300) yards beyond the Bureau of Reclamation property that encompasses the lake. (4-6-05)

**02. Migratory Game Birds.** In addition to the areas listed above, hunting, killing, or molesting of any migratory game bird EXCEPT mourning dove is prohibited in the following areas. Areas CLOSED to hunting of migratory game birds: (7-1-93)

**a.** Fort Hall Indian Reservation in Bingham, Bannock, and Power Counties within three hundred (300) yards each way of the Fort Hall Bluffs from Bigbend Boat Launch to the west boundary of the Fort Hall Indian Reservation, and within one hundred (100) yards of any improved roadway or inhabited dwelling any place within the reservation boundary. (7-1-93)

**b.** Hagerman Wildlife Management Area (WMA) in Gooding County in the area enclosed by the following boundary: Beginning at a point two hundred (200) yards west of the point at which U.S. Highway 30 crosses the south bank of Gridley Island, then northwest along a line two hundred (200) yards southwest of and parallel to U.S. Highway 30 to a point two hundred (200) yards west of the junction of U.S. Highway 30 and the WMA entrance, then west and north and east along a line two hundred (200) yards outside of the WMA boundary which is marked by a fence, to the point at which the fence meets U.S. Highway 30, then east and south along a line five hundred (500) yards outside of the WMA boundary to the Snake River, then downstream along the north bank of the Snake River and then along the south bank of Gridley Island to the point where U.S. Highway 30 crosses the south bank of Gridley Island, then two hundred (200) yards west of U.S. Highway 30 to the point of beginning. Exception: Department sponsored waterfowl hunts. (4-4-13)

**c.** Hubbard Reservoir in Ada County including the shoreline area within two hundred (200) yards of the existing water line. (7-1-93)

**d.** Mann's Lake in Nez Perce County and extending three hundred (300) yards beyond the Bureau of

Reclamation property line that encompasses the lake. (3-15-02)

e. Mormon Reservoir in Camas County including the shoreline area within two hundred (200) yards of the ordinary high water line. (7-1-93)

f. Pend Oreille River in Bonner County within two hundred (200) yards each way of the ordinary high water line two thousand sixty-two and one-half (2,062.5) feet above sea level from the U.S. Highway 95 long bridge at Sandpoint downstream to an imaginary line between Springy Point on the south side of the river and Dover Peninsula on the north side of the river. (7-1-93)

g. Spokane River in Kootenai County from the Post Falls Dam to Lake Coeur d'Alene at the orange pilings, within two hundred (200) yards of the ordinary high water line two thousand one hundred twenty-eight (2,128) feet above sea level. (7-1-98)

h. Thompson Lake in Kootenai County in the area enclosed by the following center-of-roadway boundary and in the additional area within one hundred (100) yards of the exterior side of said boundary: Beginning at the junction of State Highway 97 and Thompson Lake Road 317 north of the town of Harrison, then along Thompson Lake Road 317 to the junction of Blue Lake Road 318 east of Thompson Lake, then along Blue Lake Road 318 to the junction of Anderson Lake Road 319 at Springston, then along Anderson Lake Road 319 to the Union Pacific Railroad tracks, then west along the Union Pacific Railroad tracks to the junction of State Highway 97 west of Harrison, then along State Highway 97 to the point of beginning. (7-1-93)

**03. Geese.** Areas CLOSED to the hunting of geese. In addition to the areas listed in Section 301 and Subsection 301.01 above, the hunting, killing, or molesting of any species of geese is prohibited in the following areas: (7-1-93)

a. Canyon County in the area enclosed by the following roadway boundary and within one hundred fifty (150) feet of the exterior side of said boundary (except that the closure shall extend to one hundred (100) yards from the exterior side of said boundary along that section commencing at the junction of Lake Shore Drive and Rim Road, then south on Rim Road to west Lewis Lane, then east on west Lewis Lane to Lake Shore Drive, then along Lake Shore Drive to Emerald Road): Beginning approximately three fourths (3/4) of a mile south of the City of Nampa at the junction of State Highway 45 (12th Avenue Road) and Greenhurst Road, then west following Greenhurst Road to its junction with Middleton Road, then north following Middleton Road to its junction with Lake Lowell Avenue, then west following Lake Lowell Avenue to its junction with Lake Avenue, then north following Lake Avenue to its junction with West Roosevelt Avenue, then west following West Roosevelt Avenue to its junction with Indiana Avenue, then north following Indiana Avenue to its junction with State Highway 55 (Karcher Road), then west following State Highway 55 to its junction with Riverside Road, then south following Riverside Road to the Deer Flat National Wildlife Refuge boundary, then west along boundary fence below lower embankment as posted to Lake Shore Drive, then in a southeast direction following Lake Shore Drive to its junction with Marsing Road, then east and south on Lake Shore Drive to Rim Drive, then south on Rim Drive to West Lewis Lane, then east on West Lewis Lane to Lake Shore Drive, then southeast on Lake Shore Drive to State Highway 45, then north on State Highway 45 to its junction with Greenhurst Road, the point of beginning. (7-1-93)

b. Hagerman Valley in Gooding and Twin Falls Counties in the area enclosed by the following boundary: Beginning at the Gridley Island Bridge on the Snake River, then south and east ~~on U.S. Highway 30~~ along the south bank to a point perpendicular to mile marker 187.5, then on a direct line east to the southern tip of Ritter Island (in the Snake River), then continuing east to the intersection of 3200 South Road and 1300 East Road, then north on the 1300 East Road to the 1200 East Road, then northwest and north on the 1200 East Road to the 3000 South Road, then west on the 3000 South Road to a point (which is five hundred (500) yards east of the intersection of the 3000 South Road and the Hagerman National Fish Hatchery Road) five hundred (500) yards east of the Hagerman Wildlife Management Area (WMA) boundary, then north and west five hundred (500) yards outside the Hagerman WMA boundary to U.S. Highway 30, then west and south two hundred (200) yards outside the Hagerman WMA boundary to the 2900 South Road, then west on the 2900 South Road to the 900 East Road, then due south to a point two hundred (200) yards north of the Snake River, then west and north two hundred (200) yards outside the high water line on the east bank of the Snake River to Lower Salmon Dam, then west across the Snake River, then south, southwest and east two hundred (200) yards outside the high water line on the west bank of the Snake River (including the Idaho Power Upper Salmon Dam diversion canal) to the Gridley Bridge on U.S. Highway 30, the point

of beginning.

~~(3-25-16)~~( )

c. Minidoka and Cassia Counties in the area enclosed by the following boundary: Within two hundred (200) yards of the high water line of the Snake River from Milner Dam upstream to Meridian Road (north side of the Snake River) and 650 East Road (south side of the Snake River), approximately six and one-half (6 1/2) miles east of the City of Burley. (7-1-93)

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1602

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-409 and 36-1101, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The rule simplifies the age and mentor requirements for youth-only hunts to make them more consistent and updates rule to be consistent with legislative revision of Section 36-409(i), Idaho Code, in 2016.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 402 to 406](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Greg Wooten, (208) 334-3736.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104, 36-409, and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule simplifies the age and mentor requirements for youth-only hunts to make them more consistent and updates rule to be consistent with legislative revision of Section 36-409(i), Idaho Code, in 2016.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Not applicable.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature, creating age eligibility consistent with statutory license provisions.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Greg Wooten, (208) 334-3736.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 22nd day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-1602**

**100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.**

**01. Sage Grouse or Sharp-Tailed Grouse.** No person shall hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for sage grouse and sharp-tailed grouse. The validation shall be valid from January 1 through December 31 of each year. (5-8-09)

**02. Migratory Game Birds.** No person shall hunt ducks, geese, brant, coots, Wilson's snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (3-29-12)

**a.** Tag validation and attachment: Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. (4-4-13)

**b.** To validate the tag, the hunter must cut out and completely remove two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (4-4-13)

**c.** The tag must remain attached so long as the sandhill crane is in transit or storage. (4-4-13)

**03. Wild Turkey.** No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits must comply with the following requirements: (7-1-98)

**a.** There are three (3) turkey tags available each calendar year. These are the general tag, extra tag, and special unit tag. Only three (3) turkey tags of the following may be purchased each year; one (1) general and two (2) extra. In addition to the previously mentioned three (3) turkey tags, three (3) special unit tags may also be purchased. A hunter may use the general tag to hunt in any spring general season or use the general tag with a controlled hunt permit to hunt in a controlled hunt. (3-29-12)

**b.** Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit to hunt in any other wild turkey controlled hunt. (3-29-12)

**c.** Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

**d.** Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

**i.** Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

**ii.** In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (7-1-93)

**e.** Applications: Applications for spring and fall controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than February 15 for spring hunts and July 15 for fall hunts, annually. Applications must comply with the following requirements: (5-8-09)

**i.** Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (7-1-93)

**ii.** Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)

**iii.** Fees: All applicants for controlled hunts must submit a non-refundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. (5-8-09)

**iv.** A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (2-7-95)

**v.** A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)

**vi.** Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)

**vii.** All spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. (3-30-01)

**f.** Drawing information: Single or group applications which are not drawn for the first choice hunt

will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (7-1-93)

**g.** Tag validation and attachment: Immediately after any wild turkey is killed, the turkey tag must be validated and securely attached to the wild turkey. (7-1-93)

**h.** To validate the tag, the hunter must cut out and completely remove two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (7-1-93)

**i.** The tag must remain attached so long as the turkey is in transit or storage. (7-1-93)

**j.** The Commission establishes youth-only general and controlled hunts by proclamation. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. Only hunters nine (9) to ~~fifteen~~ seventeen (~~15~~7) years of age with a valid license may apply for youth-only controlled hunts, provided they are ten (10) to ~~fifteen~~ seventeen (~~15~~7) years of age during the hunt for which they are applying, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license may apply for first-come, first-served leftover youth-only controlled hunt permits. Hunters nine (9) years of age with a valid license may apply for regular controlled hunts provided they are ten (10) years of age during the hunt for which they are applying. (~~4-7-11~~)(    )

**k.** Any resident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her resident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (3-20-14)

**i.** Designation of the controlled hunt permit shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (4-4-13)

**ii.** Any resident child or grandchild cannot be designated more than one (1) control hunt permit per calendar year. (4-4-13)

**iii.** Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (4-4-13)

**l.** Any nonresident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (3-20-14)

**i.** Designation of the controlled hunt tag shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (4-4-13)

**ii.** Any nonresident child or grandchild cannot be designated more than one (1) control hunt permit per calendar year. (~~4-4-13~~)(    )

**iii.** Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (4-4-13)

**04. Early September Canada Goose Hunts.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**600. PHEASANT SEASONS, BAG AND POSSESSION LIMITS.**



Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

**01. WMA Upland Game Permit.** (4-2-08)

**a.** Permit Requirement. Any person ~~seventeen~~ **eighteen** (1~~7~~8) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas must have a valid WMA Upland Game Bird Permit in his or her possession. ~~(5-8-09)~~ ( )

**b.** Permit Limit. The WMA Upland Game Bird Permit limit is six (6) cocks. Additional permits may be purchased. (4-2-08)

**c.** Recording Harvest. Any person harvesting a pheasant on any of the Wildlife Management Areas listed in Subsection 600.01.a. must immediately validate their permit upon reducing a pheasant to possession by entering the harvest date and location in Non-Erasable ink, and removing a notch from the permit for each pheasant taken. (4-4-13)

**02. Youth Pheasant Season.** This season shall be open statewide. (7-1-99)

**a.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**b.** The Youth Pheasant Season shall be open for all licensed hunters ~~fifteen (15)~~ **ten (10) to seventeen (17), and hunting passport holders eight (8) to seventeen (17)** years of age ~~or younger. All youth hunters must be accompanied by an adult eighteen (18) years or older. One (1) adult may take more than one (1) youth hunter.~~ ~~(5-3-03)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**900. MIGRATORY GAME BIRD SEASONS, BAG AND POSSESSION LIMITS.**

**01. Mourning Dove.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

**02. Ducks Including Mergansers and American Coot.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

**03. Wilson's Snipe.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

**04. Geese Including Dark Geese -- Black Brant, Canada, Emperor, and White-Fronted, and Light Geese - Ross' and Snow.** Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

**05. Youth Waterfowl Hunt.** (3-29-12)

**a.** The youth waterfowl hunt is open only to youth ~~fifteen (15)~~ **eight (8) to seventeen (17)** years of age ~~and younger.~~ Any youth participating must: ~~(3-29-12)~~ ( )

- i. Have in his or her possession the appropriate, valid hunting license or hunting passport. (The Federal Migratory Bird stamp is not required for hunters eight (8) to fifteen (15) years of age (~~Idaho Code 36-414;~~ ~~(3-29-12)~~ ( ) Title 50 Code of Federal Regulations, Part 20)).
- ii. Be accompanied in the field at all times by at least one (1) adult eighteen (18) years of age or older, having in his or her possession a valid hunting license. (7-1-98)
- b. Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (3-30-01)

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule provides opportunity to harvest unclipped summer Chinook salmon in the Clearwater River in 2016.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 408 to 409](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Peter Hassemmer, (208) 334-3791.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 8, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule provides opportunity to harvest unclipped summer Chinook salmon in the Clearwater River in 2016.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Confers a benefit to Anglers and Outfitters.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Not applicable.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the timing of the 2016 run does not provide sufficient time for feasible negotiation. Several public meetings to collect public input regarding the 2016 salmon season structure were conducted.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Peter Hassemer, (208) 334-3791.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 23rd day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0111-1601**

**505. SALMON SPECIAL RESTRICTIONS.**

**01. Method of Take.** It is unlawful to use any hook larger than five-eighths (5/8) inch measured from the point of the hook to the shank. Salmon may be taken only with barbless hooks in the Salmon, Clearwater, and Snake River drainages. Bending the barb down to the shank of a single, double, or treble hook will meet this requirement. Salmon may be taken with barbed hooks in the Boise River drainages, and the Snake River between Hells Canyon and Oxbow Dams. (3-2-10)

**02. Snagging.** No person shall kill or retain in possession any salmon which has been hooked other than in the mouth or jaw. Any salmon hooked other than in the mouth or jaw must be immediately released unharmed.

(4-6-05)

**03. Legal Catch.** Any salmon caught in a legal manner must be either released or killed immediately after it is landed. (4-6-05)

**04. Cease Fishing.** Once an angler has attained his bag, possession, or season limit on those waters with salmon limits, he must cease fishing for salmon. (3-20-97)

**05. No Harvest or Closed to Harvest.** Effort, by permitted methods, to catch or attempt to catch a salmon is lawful with the restriction that any salmon so caught must be released immediately, unharmed, back to the water. (4-6-05)

**06. Keeping ~~M~~Unmarked Fish.** ~~Prior to September 1 each year, only salmon which have been marked by clipping the adipose fin, as evidenced by a HEALED scar may be kept in the Salmon, Clearwater, and Snake River drainages. Beginning September 1 each year, a~~ Anglers may retain salmon with an intact adipose fin as set by Commission season proclamation. ~~(3-25-16)~~ ( )

**07. Fish Counted in Limit.** All fish that are hooked, landed, and not immediately released shall be counted in the limits of the person hooking the fish. (4-6-05)

**08. Special Limits.** No person shall fish in waters having special limits while possessing fish of those species in excess of the special limits. (4-6-05)

## IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

### 13.01.17 – RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rule revises the distance from road and trails for placing bear baits in the Panhandle and Clearwater regions because hilly terrain and an extensive road network make the current standard infeasible in many areas of these regions.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 413 to 415](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jon Rachel, (208) 334-2920.

DATED this 21st day of November, 2016.

Sharon W. Kiefer, Deputy Director  
Idaho Dept. of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Tel: (208) 334-3771  
Fax: (208) 334-4885

#### THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 36-104, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule revises the distance from road and trails for placing bear baits in the Panhandle and Clearwater regions because hilly terrain and an extensive road network make the current standard infeasible in many areas of these regions.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Not applicable.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule was previously negotiated in 2015 and the rule is not applied statewide.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jon Rachael, (208) 334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 22nd Day of August, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0117-1601**

**100. USE OF BAIT FOR HUNTING.**

Bait for hunting is defined as any substance placed to attract big game animals, except liquid scent for deer and elk. Bait may be used to hunt ONLY black bear and ONLY under the following conditions, EXCEPT gray wolf may be taken incidentally to bear baiting. (4-4-13)

**01. Time. (7-1-93)**

**a.** No bait or bait container may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season EXCEPT bait may be placed one (1) week prior to the opening of bear season in Units 10, 12, 16A, 17, 19, 20, 20A, 26 and 27. (4-4-13)

**b.** All bait, bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close of each season (spring, fall, or black bear dog training); EXCEPT bait, bait containers, and materials may remain in Units 10 and 12 between the dog training season and the fall hunt. (4-4-13)

**02. Location. (7-1-93)**

**a.** No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), ~~or within two hundred (200) yards from any maintained trail or any established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles.~~ (3-25-16)( )

**b.** ~~In all regions except the Panhandle and Clearwater Regions, no bait site may be located within two hundred (200) yards from any maintained trail or any established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles; in the Panhandle and Clearwater Regions, no bait site may be located within two hundred (200) feet from any maintained trail or any established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles.~~ ( )

~~**c.**~~ No bait site may be located within one-half (1/2) mile of any designated campground or picnic area, administrative site, or dwelling. (7-1-93)

**03. Types.** (7-1-93)

**a.** No person shall use any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife for bait or scent. (4-7-11)

**b.** The skin must be removed from any mammal parts or carcasses used as bait. (7-1-93)

**c.** No person shall use salt in any form (liquid or solid) for bait. (3-29-10)

**04. Containers.** (7-1-93)

**a.** No bait may be contained within paper, plastic, glass, metal, wood or other nonbiodegradable materials, except that a single, metal container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. (7-1-93)

**b.** No bait may be contained in any excavated hole greater than four (4) feet in diameter. (7-1-93)

**05. Establishment of Bait Sites.** (7-1-93)

**a.** Any structures constructed at bait sites using nails, spikes, ropes, screws, or other materials must be removed by the permit holder within seven (7) days after the close of each season; spring, fall, or black bear dog training. (3-29-10)

**b.** All bait sites must be visibly marked at the nearest tree or on the bait container using a tag supplied by the Department. (7-1-93)



## IDAPA 20 – IDAHO DEPARTMENT OF LANDS

### 20.02.14 – RULES FOR SELLING FOREST PRODUCTS ON STATE-OWNED ENDOWMENT LANDS

DOCKET NO. 20-0214-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the final rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6), 58-105, 67-5201, et seq, Idaho Code. The Pending Rule was approved by the State Board of Land Commissioners at the November 15, 2016 meeting.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Recent policy changes from the Land Board have resulted in the department no longer presenting individual sales to the Land Board for approval unless they fall outside established land board policies. This has resulted in some of the rules becoming obsolete. Additionally, the rulemaking addresses current policy and rules that govern the sale of cedar poles.

Because of opposition to the proposed changes to Section 024 regarding the sale of cedar poles, the Proposed language is being removed from the Pending rule. Only the amending language that was added to Section 024 in the Proposed rule is being removed in the Pending rule. The deletion of the codified text in Section 024 in the Proposed rule remains as proposed and Section 024 is being deleted in its entirety. Because of this, Section 025 regarding pole specifications is also being deleted. Additionally, a new definition proposed in Section 010 that aligned to the proposed language in Section 024 is also being removed from this pending rule.

The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, **Vol. 16-8, pages 113-117.**

**FISCAL IMPACT:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules apply to the sale of forest products on State-Owned Endowment Lands, there will be no direct costs to the General Fund or dedicated funds that may be linked to addressing the rules. The purpose for addressing the some of the rules is to improve the efficiency, cost effectiveness and lessen the potential environmental impacts of the current timber sale program resulting in greater returns to the Endowments.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Archie Gray, CF, Sale Administration and Scaling Program Manager, Idaho Department of Lands, (208) 666-8618. Material pertaining to the rulemaking process may be found on the IDL web site at the following address: <http://www.idl.idaho.gov/rulemaking/index.html>.

DATED this 21st of November 2016.

Archie Gray, CF  
Sale Administration and Scaling Program Manager  
Idaho Department of Lands  
3284 W. Industrial Loop  
Coeur d' Alene, ID 83815  
(208) 666-8618

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 58-104(6), 58-105, 67-5201, et seq, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this rulemaking will be held as follows:

<b>Thursday, August 11, 2016</b> <b>1:00 - 3:00 PM PDT</b>	<b>Thursday, August 18, 2016</b> <b>1:00 - 3:00 PM PDT</b>
<b>Best Western Plus University Inn</b> <b>Centennial Room</b> <b>1516 Pullman Rd.</b> <b>Moscow, ID 83843</b>	<b>Idaho Department of Lands</b> <b>Pend Orielle Area Office - Conf. Rm.</b> <b>2550 Highway 2 West</b> <b>Sandpoint, ID 83864-7305</b>

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Recent policy changes from the Land Board have resulted in the department no longer presenting individual sales to the board for approval unless they fall outside established land board policies. This has resulted in some of the rules becoming obsolete. Additionally, the department has initiated the negotiated rule making process to address rules related to the sale of cedar poles. The current policy and rules that govern the sale of cedar poles may be legally questionable and do not help the department meet its constitutional mandate to maximize long term returns to the Endowments.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

There are no proposed fee increases.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

These rules apply to the sale of forest products on State-Owned Endowment Lands, there will be no direct costs to the General Fund or dedicated funds that may be linked to addressing the rules. The purpose for addressing some of the rules is to improve the efficiency, cost effectiveness and lessen environmental impacts of the current timber sale program resulting in greater returns to the Endowments.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, [Volume 16-6, page 48](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2) (a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There is one item incorporated by reference: ANSI 05.1, 2002 Edition.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Archie Gray CF, Sale Administration and Scaling Program Manager (208) 666-8618. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the IDL web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016.

DATED this 7th Day of July, 2016.

### LSO Rules Analysis Memo

Italicized red text that is double underscored is new text that has been added to the pending rule.

#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 20-0214-1601

#### 010. DEFINITIONS.

- 01. Board.** The Idaho State Board of Land Commissioners. (5-8-09)
- 02. Cable Yarding.** Transportation of forest products from stump to road by means of a suspended, powered cable system. (5-8-09)
- ~~**03. Cedar.** *Western Red Cedar (Thuja plicata).* (5-8-09)~~
- ~~**04. Cedar Pole.** *A segment or portion of a western red cedar tree that can be manufactured into a utility pole meeting current ANSI Specifications.* (5-8-09)~~
- ~~**053. Contract.** Timber sale contract in a form prescribed by the Department. (5-8-09)~~
- ~~**064. Department.** The Idaho Department of Lands. (5-8-09)~~
- ~~**075. Development Credits.** A stumpage credit received by the purchaser for the construction or reconstruction of roads, bridges, or other permanent improvements. (5-8-09)~~
- ~~**086. Director.** The director of the Idaho Department of Lands or his authorized representative. (5-8-09)~~
- ~~**097. Extreme Circumstances.** Catastrophic circumstances including, but not limited to, fire, downed timber due to a wind event, flood, earthquake, destruction of a purchaser's milling facilities or equipment by fire, or milling operation shut down due to a court order related to compliance with state or federal environmental laws. (5-8-09)~~

- ~~108.~~ **Forest Products.** Marketable forest materials. (5-8-09)
- ~~109.~~ **Ground-Based Yarding.** Transportation of forest products from stump to road using tractors, forwarders, or rubber-tired skidders. (5-8-09)
- ~~12.~~ ~~**Length.** The length of a pole in five (5) foot increments.~~ (~~5-8-09~~)
- ~~130.~~ **Measurement.** Weight, length, board foot volume, cubic volume, or any other means or procedure for determining quantity of forest products. (5-8-09)
- ~~141.~~ **Net Appraised Value.** The minimum estimated sale value of the forest products after deducting the development credit. (5-8-09)
- ~~152.~~ **Net Sale Value.** The final sale bid value of the forest products after deducting the development credit. (5-8-09)
- ~~163.~~ **Pulp.** Any portion of a tree that does not meet the sawlog merchantability specifications of thirty-three and one-third percent (33 1/3%) net scale. (5-8-09)
- ~~174.~~ **Purchaser.** A successful bidder for forest products from a state sale who has executed a timber sale contract. (5-8-09)
- ~~185.~~ **Roads.** Forest access roads used for the transportation of forest products. (5-8-09)
- ~~196.~~ **Scaling.** Quantitative measurement of logs or other forest products by a log rule. (5-8-09)
- ~~2017.~~ **Scribner Decimal "C" Board Foot Measure.** The measurement of forest products in accordance with the log rule described in Title 38, Chapter 12, Idaho Code, and the rules promulgated thereunder. (5-8-09)
- ~~218.~~ **State.** The State of Idaho. (5-8-09)
011. **ABBREVIATIONS.**
- ~~01.~~ ~~**ANSI.** American National Standards Institute.~~ (~~5-8-09~~)
- ~~021.~~ **IDAPA.** Idaho Administrative Procedures Act. (5-8-09)
- ~~032.~~ **MBF.** Thousand Board Feet. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. DIRECT SALES.**

The sale of forest products without advertisement may be authorized by the Director if the net appraised value does not exceed the maximum value established by the Board. This type of sale is to be used to harvest isolated or by-passed parcels of timber of insufficient value and volume to justify a **salvage Timber** sale (refer to Rule Section 021). The direct sale shall not be used when two (2) or more potential purchasers may be interested in bidding on the forest products offered for sale. The initial duration of a direct sale shall be six (6) months with a provision for one six (6) month extension. The purchaser shall furnish an acceptable performance bond in the amount of thirty percent (30%) of the sale value with a minimum bond of one hundred dollars (\$100). Advance payment will be required and all sales will be on a lump sum basis. (~~3-4-11~~) ( )

~~**021. SALVAGE SALES.**~~

~~Salvage sales shall not exceed the net appraised value and volume established by the Board and are intended to be used in the harvesting of timber which, in the opinion of the Director, is of insufficient quality and/or quantity to support a timber sale (refer to Rule Section 022). The contract requirements for salvage sales shall be the same as for~~

~~timber sales.~~

~~(5-8-09)~~

**02~~21~~. TIMBER SALES.**

Timber sales exceed the net appraised value or volume for ~~salvage~~ Direct sales established by the Board.

~~( ) (5-8-09)~~

**022. -- 02~~35~~. (RESERVED)**

**024. SALE OF CEDAR POLES.**

~~01. Requirements for Cedar Poles. If a proposed sale area contains at least one hundred fifty (150) cedar poles in a density of at least five (5) poles per acre on ground-based yarding areas and at least ten (10) poles per acre on cable yarding areas, the pole quality cedar shall be reserved and sold separately as a pole sale or as a separate product sort in a delivered products sale. Pole quality cedar in areas with a lower density of poles may be offered as poles.~~

~~(3-4-11)~~

~~02. Maximum Amount of Sawlogs. Sawlogs and other forest products shall not exceed fifty percent (50%) of the total sale volume, excluding materials generated through the construction of roads and development sites.~~

~~(5-8-09)~~

~~03. Poles within Sawlog Sale. If any area within a proposed timber sale contains two hundred fifty (250) cedar poles or more in a density of at least ten (10) poles per acre, the poles shall be reserved for a pole quality cedar sale or sold as a separate product sort in a delivered products sale.~~

~~(3-4-11)~~

~~04. Length Appraisal. Cedar poles shall be appraised by length and bid on a lineal foot basis. The conversion table set out below shall be used to establish the corresponding board foot volume.~~

~~(5-8-09)~~

~~05. Length to Volume Conversion Table for Western Red Cedar Poles:~~

<del>Pole Length</del>	<del>Board Feet Each*</del>		<del>Pole Length</del>	<del>Board Feet Each*</del>
<del>30'</del>	<del>50</del>		<del>80'</del>	<del>595</del>
<del>35'</del>	<del>70</del>		<del>85'</del>	<del>736</del>
<del>40'</del>	<del>101</del>		<del>90'</del>	<del>792</del>
<del>45'</del>	<del>161</del>		<del>95'</del>	<del>892</del>
<del>50'</del>	<del>239</del>		<del>100'</del>	<del>929</del>
<del>55'</del>	<del>261</del>		<del>105'</del>	<del>1113</del>
<del>60'</del>	<del>304</del>		<del>110'</del>	<del>1132</del>
<del>65'</del>	<del>418</del>		<del>115'</del>	<del>1420</del>
<del>70'</del>	<del>462</del>		<del>120'</del>	<del>1475</del>
<del>75'</del>	<del>512</del>			
<del>* Based on Scribner Decimal "C" board-foot measure</del>				

~~(5-8-09)~~

~~06. Bidding Limited to Cedar. When cedar represents eighty percent (80%) or more of the total appraised value, bidding shall be limited to cedar poles and cedar sawlogs only.~~

~~(5-8-09)~~

~~07. Purchaser's Option. The purchaser may opt to remove cedar as poles, sawlogs, and products or as sawlogs and products. Such choice shall be made at the completion of the auction. If the purchaser opts to manufacture the cedar as poles, the poles and sawlog material shall be removed at bid prices (lineal foot basis for~~

~~poles and MBF basis for sawlogs). Pole quality cedar trees containing thirty (30) foot cedar poles may be harvested as poles or sawlogs at the purchaser's discretion unless such trees are designated reserve. If the purchaser elects to manufacture cedar poles as sawlogs, the bid values of cedar poles and cedar sawlog material shall be weighted by volume to determine the selling value for all cedar sawlogs.~~ (5-8-09)

**025. ~~POLE SPECIFICATIONS.~~**

~~Poles will conform to current ANSI Specifications and Dimensions for Wood Poles unless agreed otherwise by contract.~~ (5-8-09)

**026. ANNUAL SALES PLAN.**

The Department will prepare an annual sales plan which will describe the timber sales to be offered for sale during the forthcoming fiscal year. The plan will be based on recommended annual harvest volumes utilizing inventory data, local stand conditions, special management problems, and economic factors. The plan will be presented to the Board for approval annually and upon approval made available to all interested parties. The plan may be altered to respond to changing market conditions or to expedite the sale of damaged or insect-infested forest products. ~~Each individual timber sale will be submitted to the Board for approval prior to advertisement.~~ (5-8-09)( )

**027. -- 030. (RESERVED)**

**031. TIMBER SALE AUCTIONS.**

**01. Requirements.** Timber, ~~Salvage~~, and Delivered Products sales shall be sold at public auction. (3-4-11)( )

**02. Requirements for Bidding.** (5-8-09)

**a.** Bidders shall present a bid deposit in a form acceptable to the State in the amount of ten percent (10%) of the net appraised value. (5-8-09)

**b.** Bidders shall not be delinquent on any payments to the State at the time of sale. (5-8-09)

**c.** Bidders shall not be a minor as defined in Section 32-101, Idaho Code. (5-8-09)

**d.** Foreign corporations, as defined in Section 30-1-106, Idaho Code, shall procure a certificate of authority to do business in Idaho to be eligible to bid on and purchase State timber. (5-8-09)

## IDAPA 20 – IDAHO DEPARTMENT OF LANDS

### 20.07.01 – RULES OF PRACTICE AND PROCEDURE BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

#### DOCKET NO. 20-0701-1601 (CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 47-317(8), Idaho Code, and 47-319(8), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking will repeal the entire rule. The Rules of Practice and Procedure before the Idaho Oil and Gas Conservation Commission have an effective date of 1992. They have been superseded by the Idaho Administrative Procedures Act, which was passed after 1992. In addition, several changes to administrative proceedings were signed into law with Senate Bill 1339 during the 2016 legislative session. As a result, 20.07.01 no longer governs actions by the Idaho Oil and Gas Conservation Commission. IDL may bring forward a new set of rules in the future that would govern proceedings before the Idaho Oil and Gas Conservation Commission.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was not published as it is being repealed. Notice of Proposed Rulemaking was published in the August 3rd, 2016 Idaho Administrative Bulletin, [Vol. 16-8, page 118](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Eric Wilson at 208-334-0261. Materials pertaining to the rulemaking can be found on the Idaho Department of Lands web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>. Please note that this rule is proposed to be repealed, therefore no draft changes are available.

DATED this 30th day of September, 2016.

Eric Wilson  
Resource Protection and Assistance Bureau Chief  
PO Box 83720  
Boise, Idaho 83720  
(208) 334-0261

<b>THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE</b>
--

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 47-317(8), Idaho Code, 47-319(8), Idaho Code.



**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 17, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking will repeal the entire rule. The Rules of Practice and Procedure before the Idaho Oil and Gas Conservation Commission have an effective date of 1992. They have been superseded by the Idaho Administrative Procedures Act, which was passed after 1992. In addition, several changes to administrative proceedings were signed into law with Senate Bill 1339 during the 2016 legislative session. As a result, IDAPA 20.07.01 no longer governs actions by the Idaho Oil and Gas Conservation Commission. IDL may bring forward a new set of rules in the future that would govern proceedings before the Idaho Oil and Gas Conservation Commission.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is being proposed for repeal.

**INCORPORATION BY REFERENCE:** The rule is proposed to be repealed; therefore no incorporations by reference are present.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this proposed rulemaking contact Eric Wilson at (208) 334-0261. Materials pertaining to the proposed rulemaking can be found on the Idaho Department of Lands web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>. Please note that this rule is proposed to be repealed, therefore no draft changes are available.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016.

DATED this 8th Day of July, 2016.

**LSO Rules Analysis Memo**

**IDAPA 20.07.01 IS BEING REPEALED IN ITS ENTIRETY**



## IDAPA 20 – IDAHO DEPARTMENT OF LANDS

### 20.07.02 – RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS IN THE STATE OF IDAHO

DOCKET NO. 20-0702-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 47-317(8), Idaho Code, 47-319(8), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

A detailed descriptive summary of the proposed rule was published in the October 5, 2016 Administrative Bulletin, [Volume 16-10, pages 536-584](#). Consistent terminology is added and Incorporations by Reference are updated. Seismic exploration is better defined and requirements are clarified. Requirements for spacing units are modified to better explain how exceptional wells and spacing unit changes are handled. Drill pad construction prior to permit approval is conditionally authorized. A setback of wells from occupied structures is added. Tank battery and processing facility standards are modified to add flexibility. Reporting requirements for active wells are increased to provide information critical to Commission authorities. Well logging and reporting requirements are modified to improve information gathering and retention. Production reporting requirements are modified to get the information to the Department sooner and reduce the need for corrected reports. Meter calibration is modified to increase transparency. The following items are modified to conform to current statutes:

- Role of Commission and Department.
- Appeals process.
- Permit requirements and processing.
- Processes for integration, unitization, and other applications that require hearings.

A few changes were made to the proposed rule in response to comments received. These changes include:

- Public Records Act compliance. A change to Section 006 was made to add a missing word. A change was made in Section 100 to clarify records exempt from disclosure.
- Permit processing, amendment, and denial. Changes to Sections 010, 040, 100, 120, 140, 200, 310, 314 clarify these processes and align better with statutory authority.
- Processes for exceptional well locations and spacing unit changes. These changes to Section 120 include removing redundant language and clarifying who should be noticed outside of proposed unit boundaries. Notification of proposed spacing unit changes will be sent to lessees, uncommitted owners, and applicant's lessors within 660 feet of the proposed unit boundary. This will more effectively target the potentially affected persons adjacent to the proposed unit.
- Requirements for well logging and reporting. Changes in Section 341 eliminate excessive reporting and clarify other requirements.
- Meter calibration frequency. Section 410 was changed to increase meter calibration to quarterly for more accuracy in reporting and to conform with standard practices.
- Daily production potential testing. A change to Section 500 decreased testing to twice per year to conform with standard industry practices.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 536-584](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Eric Wilson at (208) 334-0261. Materials pertaining to the rulemaking can be found on the Idaho Department of Lands web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>.

DATED this 23rd day of November, 2016.

Eric Wilson  
Resource Protection and Assistance Bureau Chief  
P.O. Box 83720  
Boise, Idaho 83720  
(208) 334-0261

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 47-317(8), Idaho Code, 47-319(8), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, October 12th, 2016 - 2:00 pm**

**Capitol Building Room WW02  
Lincoln Auditorium  
700 W. Jefferson Street  
Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Consistent terminology is added throughout the rules. Role of Commission and Department is aligned with statutes. The appeals process is modified to conform to current statutory authorities. Incorporations by Reference are updated. Contact information is updated. Public records act compliance is modified to conform to statute. Several definitions are added, and some definitions are deleted because they are in statute. The protection of correlative rights is clarified. Notice requirements are modified. Permit requirements and processing are modified throughout to conform to statute. Seismic exploration is better defined and requirements are clarified. Requirements for spacing units are modified for clarity, to better explain how exceptional wells and spacing unit changes are handled, and to better protect correlative rights. Integration, unitization, and several other processes are modified to conform to statute and to clarify the process. Drill pad construction prior to permit approval is conditionally authorized. A setback of wells from occupied structures is added. Other permit requirements are modified to ensure compliance with Commission authorities. Application and processing for recompletions and plug backs is added. Sundry notices are authorized. Permit transfer process is modified to make sure new operator is registered and in good standing with

the State of Idaho. Inventory of wellhead equipment is added. Well logging and reporting requirements are modified to improve information gathering and retention. Production reporting requirements are modified to get the information to the Department sooner and reduce the need for corrected reports. Gas-oil ratio is increased to 10,000:1 for gas well classification. Meter calibration is modified to increase transparency. Tank battery and processing facility standards are modified to add flexibility. Reporting requirements for active wells are increased to provide information critical to Commission authorities.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 4, 2016 Idaho Administrative Bulletin, **Volume 16-5, pages 51-52.**

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Several documents incorporated by reference in 2012 have been updated since that time, so the new editions are being incorporated by reference. These updates will have a minimum impact on Idaho operations, and they are the standard used by industry in other states. These include:

- API SPEC 5CT, Specifications for Casing and Tubing. 9th edition dated July, 2011 and the amendments and Errata through September 2012.
- ASTM D698-12e2, Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft<sup>3</sup> (600 kN-m/m<sup>3</sup>)). 2012 revision.
- ASTM D1250-08(2013)e1, Standard Guide for Use of the Petroleum Measurement Tables. 2013 revision.
- ASTM D1557-12e1, Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft<sup>3</sup> (2,700 kN-m/m<sup>3</sup>)). 2012 revision.
- OSHA Standard 1910.1200 (Hazard Communication). Last revised 2012.

One additional document is being incorporated by reference to accompany the guidance document ASTM D1250-08(2013)e1. This should have no impact on Idaho operations, as these tables are the standard used in the industry and give all operators and jurisdictions a common frame of reference for determining volumes of oil and gas. The new document is:

Adjunct to D1250-04 Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils. 2004 revision.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Eric Wilson at (208) 334-0261 or email [oilandgasconservationrulemaking@idl.idaho.gov](mailto:oilandgasconservationrulemaking@idl.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the above email or the undersigned and must be delivered on or before Wednesday, October 26, 2016.

DATED this 2nd day of September 2016.

LSO Rules Analysis Memo

Italicized red text that is double underscored is new text that has been added to the pending rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 20-0702-1601

**003. ADMINISTRATIVE APPEALS.**

Any person aggrieved by any final decision or order of the Commission shall be entitled to judicial review pursuant to the provisions of Title 67, Chapter 52, Idaho Code, Title 47, Chapter 3, Idaho Code, ~~and IDAPA 20.07.01, "Rules of Practice and Procedure before the Idaho Oil and Gas Conservation Commission."~~ (4-11-15)( )

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into these rules: (3-29-12)

**01. API Bulletin E3, Well Abandonment and Inactive Well Practices for U.S. Exploration and Production Operations, Environmental Guidance Document.** 1st Edition, January 1993 and Reaffirmed June 2000 available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-29-12)

**02. API SPEC 5CT, Specifications for Casing and Tubing.** The 8<sup>9</sup>th edition dated July, 7, 2005~~11~~ and the amendments ~~dated March, 31, 2006 and April, 7, 2006~~ and Errata through September 2012 are available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-29-12)( )

**03. API SPEC 10a, Specification for Cements and Materials for Well Cementing.** The 24th Edition dated December, 2010 is available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-29-12)

**04. ASTM D698-07e1~~12e2~~, Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft<sup>3</sup> (600 kN-m/m<sup>3</sup>)).** 2007~~12~~ revision. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-29-12)( )

**05. ~~ASTM D1250-08, Standard Guide for Use of the Petroleum Measurement Tables~~ ASTM D1250-08(2013)e1, Standard Guide for Use of the Petroleum Measurement Tables. 2013 revision.** ~~2008 revision.~~ Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-29-12)( )

**06. Adjunct to D1250-04 Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils.** 2004 revision. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. ( )

**067. ASTM D1557-09~~12e1~~, Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft<sup>3</sup> (2,700 kN-m/m<sup>3</sup>)).** 2009~~12~~ revision. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-29-12)( )

**078. EPA SW-846 Method 9090A, Compatibility Test for Wastes and Membrane Liners.** Revision 1, July 1992. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103 and this website: <http://www.epa.gov/osw/hazard/testmethods/sw846/pdfs/9090a.pdf> <https://www.epa.gov/sites/production/files/2015-12/documents/9090a.pdf>. (3-29-12)( )

**082. OSHA Standard 1910.1200 (Hazard Communication).** Last revised ~~1996~~2012. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103 and this website: [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=standards&p\\_id=10099](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=standards&p_id=10099). (3-29-12)( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Idaho Department of Lands is 300 North 6th Street, Suite 103, Boise, Idaho and it is open from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. The mailing address is: Idaho Department of Lands, P.O. Box 83720, Boise, Idaho 83720-0050. The telephone number of the office is (208) 334-0200 and the fax number is (208) 334-~~2339~~3698. The Idaho Oil and Gas Conservation Commission's official website is <http://www.idl.idaho.gov/oil-gas/commission/index.html>. (3-29-12)( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records relating to this chapter are public records except to the extent such records are by law exempt from disclosure. Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code. ~~Upon request in any application or material submitted to the Department, confidentiality protection shall be provided for information by law exempt from disclosure, and only those parts of an application or other materials that are by law exempt from disclosure can be held as confidential.~~ All claims of exemption from disclosure must include a specific citation under which the Department should withhold the information from a public records request, and how the information meets the standards for being withheld from disclosure. When a portion of a record or a portion of a page in that record is subject to disclosure and the other portion is subject to a claim that it is a trade secret exempt from disclosure under Title 74, Chapter 1, Idaho Code, the person making the claim must clearly identify the two (2) portions at the time of submittal. (4-11-15)( )

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Act.** The Idaho Oil and Gas Conservation Act, Title 47, Chapter 3, Idaho Code. (10-21-92)

**02. Active Well.** A permitted well used for production, disposal, or injection that is not idled for more than twenty-four (24) continuous months. (3-29-12)

**03. Annulus.** The void between any piping, tubing, or casing and the piping, tubing, casing, or borehole immediately surrounding it. ( )

**04. ASTM D1250 Tables.** Adjunct to D1250-04 Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils, and ASTM D1250-08(2013)e1, Standard Guide for Use of the Petroleum Measurement Tables, all published by ASTM International. ( )

~~0305.~~ **Barrel.** Forty-two (42) U. S. gallons at sixty (60) Degrees F at ~~atmospheric pressure~~ and 14.696 psi. (10-21-92)( )

~~046.~~ **Blowout.** An unplanned sudden or violent escape of fluids from a well. (3-29-12)

~~057.~~ **Blowout Preventer.** A casinghead control equipped with special gates or rams that can be closed and sealed around the drill pipe, or that otherwise completely closes the top of the casing. (4-11-15)

~~068.~~ **Bonus Payment.** Monetary consideration that is paid by the lessee to the lessor for the execution of an oil and gas lease. (4-11-15)

**09. Borehole.** The hole created by the drill bit during drilling prior to casing being placed. ( )

~~0710.~~ **Casing Pressure.** The pressure within the casing or between the casing, tubing, or drill pipe. (3-29-12)

~~0811.~~ **Casinghead.** A metal flange attached to the top of the conductor pipe that ~~is the~~ serves several purposes including, but not limited to, the following: ( )

**a. The** primary interface for the diverter system during drilling ~~on~~ for surface casing-;

~~(3-29-12)~~( )

**b.** The adapter between the conductor pipe and the blowout preventer stack; and ( )

**c.** The adapter between the conductor pipe and the wellhead after completion. ( )

~~09. **Casinghead Gas.** Any gas or vapor, or both, indigenous to an oil stratum and produced from such stratum with oil.~~ ~~(3-29-12)~~

~~102.~~ **Commission.** The Oil and Gas Conservation Commission of the state of Idaho. (10-21-92)

~~143.~~ **Common Source of Supply.** The geographical area or horizon definitely separated from any other such area or horizon and which contains, or from competent evidence appears to contain, a common accumulation of oil or gas or both. Any oil or gas field or part thereof which comprises and includes any area which is underlain ~~by~~ or which from geological or other scientific data or experiments or from drilling operations or other evidence appears to be underlain ~~by~~ by a common pool or accumulation of oil or gas or both oil and gas. ~~(3-29-12)~~( )

~~124.~~ **Completion.** A single operation involving the installation of equipment in and on a well, after drilling and evaluating the well, to bring the well into production from one or more zones. An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production casing has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production casing has been run. ~~(3-29-12)~~( )

~~135.~~ **Conductor Pipe.** The first and largest diameter string of casing to be installed in a well. This casing extends from land surface to a depth great enough to keep surface waters from entering and loose earth from falling in the hole and to provide anchorage for the diverter system prior to setting surface casing. (3-29-12)

~~146.~~ **Cubic Foot of Gas.** The volume of gas contained in one (1) cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be ~~fourteen and seventy-three hundredths (14.73) pounds per square inch absolute~~ 14.696 psi and the standard temperature base shall be sixty (60) Degrees F. ~~(3-29-12)~~

~~157.~~ **Day.** A period of twenty-four (24) consecutive hours from 8 a.m. one day to 8 a.m. the following day. (3-29-12)

~~168.~~ **Department.** The Idaho Department of Lands ~~or its designee.~~ ~~(3-29-12)~~( )

~~179.~~ **Development.** Any work which actively promotes bringing in production. (10-21-92)

~~1820.~~ **Director.** The head of the Idaho Department of Lands and secretary to the Oil and Gas Conservation Commission, or his designee. (3-29-12)

~~19. **Drilling Logs.** The recorded description of the lithologic sequence encountered in drilling a well, and any electric, gamma ray, geophysical, or other logging done in the hole.~~ ~~(3-29-12)~~

~~20. **Field.** The general area underlain by one (1) or more pools.~~ ~~(10-21-92)~~

**21. Drill Cuttings.** Rock chips and ground-up rock materials obtained through the drilling process and screened out of the drilling mud. ( )

**22. Drill Pad.** The constructed or leveled area upon which an oil and gas well is drilled. ( )

**23. Drilling Mud.** A mixture of fluids and additives that are used in the drilling process to cool, lubricate, and clean the drilling bit; transport drill cuttings to the surface; form a mudcake on the inside of the borehole to prevent caving and fluid interactions with the surrounding formations; and provide for well control. ( )



**24. Exceptional Well Location.** An oil or gas well that does not meet the well location requirements in Section 120.01 of these rules or any spacing order. ( )

**245. Fresh Water.** All surface waters and those ground waters that are used, or may be used in the future, for drinking water, agriculture, aquaculture, or industrial purposes other than oil and gas development. The possibility of future use is based on hydrogeologic conditions, water quality, future land use activities, and social/economic considerations. (3-29-12)

**226. Gas-Oil Ratio.** The ratio of the volume of gas produced in standard cubic feet to each barrel of oil or condensate produced concurrently during any stated period. (3-29-12)( )

**237. Gas Processing Facility.** A facility that conditions liquids or gas by compression, dehydration, refrigeration, or by other means. (4-11-15)

**248. Gas Well.** (10-21-92)

- a. A well which produces primarily natural gas; (3-29-12)
- b. Any well capable of producing gas in commercial quantities and also producing oil from the same common source of supply but not in commercial quantities; or (10-21-92)
- c. Any well classed as a gas well by the Commission for any reason. (10-21-92)

~~**25. Geophysical or Seismic Operations.** Any geophysical method performed on the surface of the land utilizing certain instruments operating under the laws of physics respecting vibration or sound to determine conditions below the surface of the earth that may contain oil or gas and is inclusive of, but not limited to, the preliminary line survey, the acquisition of necessary permits, the selection and marking of shot hole locations, necessary clearing of vegetation, shot hole drilling, implantation of charge, placement of geophones, detonation and backfill of shot holes, and vibroseis.~~ (3-29-12)

**29. Geophone.** Receiving device for ground vibrations used in seismic surveys. ( )

**2630. Hydraulic Fracturing, or Fracing.** A method of stimulating or increasing the recovery of hydrocarbons by perforating the production casing and injecting fluids or gels with proppant into the potential target reservoir at pressures greater than the existing fracture gradient in the target reservoir. (3-29-12)( )

**2731. Inactive Well.** An unplugged well that has no reported production, disposal, injection, or other permitted activity for a period of greater than twenty-four (24) continuous months, and for which no extension has been granted. (3-29-12)

**2832. Intermediate Casing.** The casing installed within the well to seal intermediate zones above the anticipated bottom hole depth. The casing is generally set in place after the surface casing and before the production casing. (3-29-12)

**2933. Junk.** Debris or any unwanted object in a hole that impedes drilling or completion. (3-29-12)( )

**304. Lease.** A tract(s) of land which by virtue of one of the following: an oil and gas lease; fee or mineral ownership; a drilling, pooling, or other agreement; a rule, regulation or order of a governmental authority; or otherwise other means constitutes a single tract or leasehold estate for the purpose of the development or operation thereof for oil or gas or both. (10-21-92)( )

**345. Mechanical Integrity Test.** A test designed to determine if there is a significant leak in the casing, tubing, or packer of a well. (3-29-12)

**36. Mudlog.** The record and evaluation of natural gas in drilling mud and crude oil in well cuttings.

lithology of the formation drilled, and drilling parameters for a well being drilled. ( )

37. Occupied Structure. A building with walls and a roof within which individuals live or customarily work. ( )

~~328.~~ Oil and Gas. Oil or gas or both. (10-21-92)

~~339.~~ Oil Well. Any well capable of primarily producing oil in paying quantities, but not a gas well. (3-29-12)

~~34. Operator.~~ Any duly authorized person who is in charge of the development of a lease or the operation of a producing well. (10-21-92)

~~35. Owner.~~ The person who has the right to drill into and produce from a pool and to appropriate the oil or gas that produces there from either for himself and/or others. (10-21-92)

~~36. Person.~~ Any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any government or any political subdivision or any agency thereof. The masculine gender, in referring to a person, includes the feminine and the neuter gender. (10-21-92)

~~3740.~~ Pit. Any excavated or constructed depression or reservoir used to contain produced water or reserve, drilling, well treatment, ~~produced water~~, or other fluids. Pits can be located at the drill site or at centralized facilities that collect these fluids for disposal, storage, or treatment. ~~This does not include e~~Enclosed, mobile, or portable tanks used to contain fluids are not pits. (3-29-12)( )

41. Plug Back. Plugging the bottom section of a well when a recompletion is done at a higher interval. ( )

~~3842.~~ Pollution. Constituents of oil, gas, salt water, or other materials used in oil and gas extraction, occurring in fresh water supplies at levels that exceed the standards in IDAPA 58.01.02, "Water Quality Standards," and IDAPA 58.01.11, "Ground Water Quality Rules," as the result of the drilling, casing, treating, operation or plugging of wells. (3-29-12)

~~39. Pool or Reservoir.~~ An underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure that is completely separated from any other zone in the same structure is a pool. (3-29-12)

~~403.~~ Pressure Maintenance. The injection of gas, water, or other fluids into oil or gas reservoirs to maintain pressure or retard pressure decline in the reservoir for the purpose of increasing the recovery of oil or other hydrocarbons therefrom. (10-21-92)

~~414.~~ Produced Water. Water that is produced along with oil or gas. (3-29-12)

~~42. Producer.~~ The owner of a well(s) capable of producing oil or gas or both. (10-21-92)

~~435.~~ Production Casing. The casing set across the reservoir interval and within which the primary completion components are installed. (3-29-12)

~~446.~~ Proppant. Sand or other materials used in hydraulic fracturing to prop open fractures. (3-29-12)

47. Recompletion. Completing a well in a higher or lower interval than the initial completion. ( )

~~458.~~ Release. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (3-29-12)

49. Sample Envelope. Three (3) inch by five (5) inch envelope with metal fold top or clasp. Envelope



is labeled with the following information: ( )

a. Company Name: ( )

b. Well Name and Number: ( )

c. U.S. Well Number (Vertical wells use 11 digit number, horizontal wells use 15 digit number):  
( )

d. Legal Description using Subsection, Section, Township, and Range: ( )

e. County: ( )

f. State; and ( )

g. Sample interval measured depth from surface. ( )

**50. Seismic Operations.** Any geophysical method performed on or near the surface of the land utilizing instruments operating under the laws of physics respecting vibration or sound. These methods are used to determine conditions below the surface of the earth where oil or gas may be located. Seismic operations include, but are not limited to, the preliminary line survey, acquiring necessary permits, selecting and marking shot hole locations, selecting and surveying source point and receiver locations, clearing vegetation, drilling shot holes, implanting charges, placing geophones, detonating and backfilling shot holes, surface shots, and vibroseis. ( )

**51. Shot Hole.** Shallow hole drilled for explosive charges used in seismic operations. ( )

**52. Spacing Unit.** The geographic area allocated by rule or order that can be efficiently and economically drained by one (1) well. ( )

~~46~~**53. Spud.** To start the drilling process by removing rock, dirt, and other sedimentary material with the drill bit. (4-11-15)

~~47~~**54. Surface Casing.** The first casing which is run after the conductor pipe to anchor blow out prevention equipment and to seal out fresh water zones. (3-29-12)

**55. Surface Shot.** Explosive charges set off on, or just above, the surface for seismic operations. ( )

~~48~~**56. Surface Water.** Rivers, streams, lakes, and springs when flowing in their natural channels. (4-11-15)

~~49~~**57. Systems Approach.** The disclosure of chemical information by chemical abstract service name only, without disclosing component percentages or chemical relationships. (4-11-15)

~~50~~**58. Tank.** A concrete, metal, or plastic stationary vessel used to contain fluids. (4-11-15)

~~51~~**59. Tank Battery.** One (1) or more tanks that are connected to receive crude oil, condensate, or produced waters from a well(s) and which serves as the point of collection and disbursement of oil or gas from a well(s). (4-11-15)

~~52~~**60. Tank Dike.** An impermeable man-made structure constructed around a tank to contain leakage from the tank. (4-11-15)

~~53~~**61. Tubing.** Pipe used inside the production casing to convey oil or gas from the producing interval to the surface. (3-29-12)

**62. U.S. Well Number.** Well numbering convention used in U.S. to provide a unique, permanent,

numeric identifier for each oil and gas well. This number is assigned by the Department when a drilling permit is under review. The number has up to 14 digits that are grouped and ordered to provide specific information about the well (SS-CCC-NNNNN-WW-XX). The meaning of the different parts is as follows: ( )

- a. The first two digits, represented by “SS” in the above example, are a state code. Idaho is 11. ( )
- b. Digits 3 through 5, represented by “CCC” in the above example, are a county code. ( )
- c. Digits 6 through 10, represented by “NNNNN” in the above example, are the well code corresponding to the well number in each respective county. ( )
- d. Digits 11 and 12, represented by “WW” in the above example, are the well bore codes given to each well bore from that surface location. The first wellbore is assigned 00 and may not appear if no other well bores have been made from that same surface location. A subsequent sidetrack, deepening, or lengthening of the well is given another number. ( )
- e. Digits 13 and 14, represented by “XX” in the above example, are used for plug backs, recompletions, deepening, or any other well conversion that requires additional work in the same well bore. These digits may not appear if only one completion has been made. ( )

63. **Vibroseis.** Source of ground vibrations used in seismic surveys, and generated by specially designed trucks. ( )

~~564.~~ **Volatile Organic Compound.** Organic chemical compounds whose composition makes it possible for them to evaporate under normal indoor atmospheric conditions of sixty-eight (68) degrees F and an absolute pressure of fourteen point seven (14.7) psi atmospheric. (3-29-12)

~~565.~~ **Waterflooding.** The injection into a reservoir through one (1) or more wells with volumes of water for the purpose of increasing the recovery of oil therefrom. (3-29-12)

~~56. **Waste as Applied to Oil.** Underground waste; inefficient, excessive, improper use, or dissipation of reservoir energy, including gas energy and water drive; surface waste, open pit storage, and waste incident to the production of oil in excess of the producer's above ground storage facilities and lease and contractual requirements, but excluding storage (other than open pit storage) reasonably necessary for building up and maintaining crude stocks and products thereof for consumption, use, and sale; the locating, drilling, equipping, operating, or producing of any well in a manner that causes, or tends to cause, reduction of the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations.~~ (10-21-92)

~~57. **Waste as Applied to Gas.** The escape, blowing or releasing, directly or indirectly, into the open air of gas from wells productive of gas only, or gas in an excessive or unreasonable amount from wells producing oil or both oil and gas; and the production of gas in quantities or in such manner as will unreasonably reduce reservoir pressure or unreasonably diminish the quantity of oil or gas that might ultimately be produced; excepting gas that is reasonably necessary in the drilling, completing, and testing of wells and in furnishing power for the production of wells.~~ (10-21-92)

66. **Well Logs.** The recorded description of the lithologic sequence encountered in drilling a well, and the graphical display of one or more physical properties in or around a well versus depth or time, or both. The recorded descriptions include, but are not limited to, drill cutting sample logs and mud logs. The physical properties include, but are not limited to, electric, gamma ray, geophysical, and acoustic. ( )

~~5867.~~ **Well Report.** The written record progressively describing the strata, water, oil, or gas encountered in drilling a well with such additional information as to give volumes, pressures, rate of fill-up, water depths, casing record, mud weight and viscosity records, directional surveys, etc., as is usually recorded in normal procedure of drilling; also, it includes the daily drilling report, electrical, radioactivity, or other similar logs run, lithologic description or other scientific analyses of all whole or sidewall cores, and all drill-stem tests, including depth-tested, cushion-used, time tool open, flowing and shut-in pressures and recoveries. (3-29-12)( )

~~59~~**68.** **Well Site.** The areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well, and its associated ~~well~~ drill pad. ~~(4-11-15)~~ ( )

~~69~~**9.** **Well Treatment.** Actions performed on a well to acidize, fracture, or stimulate the target reservoir. (3-29-12)

~~67~~**70.** **Wildcat Well.** An exploratory well drilled in an area of unknown subsurface conditions. (3-29-12)

**71.** **Workover.** The repair or stimulation of an existing producing zone or zones in a producing well for the purpose of restoring, prolonging, or enhancing the production of hydrocarbons, but does not include hydraulic fracturing. ( )

**011. ABBREVIATIONS.**

- |            |  |            |
|------------|--|------------|
| <b>01.</b> | <b>API.</b> American Petroleum Institute.                  | (3-29-12)  |
| <b>02.</b> | <b>ASTM.</b> American Society for Testing and Materials.   | (3-29-12)  |
| <b>03.</b> | <b>BBL.</b> Oilfield Barrel.                               | (4-11-15)  |
| <b>04.</b> | <b>BOP.</b> Blowout Preventer.                             | (3-29-12)  |
| <b>05.</b> | <b>CAS.</b> Chemical Abstracts Service.                    | (3-29-12)  |
| <b>06.</b> | <b>EPA.</b> United States Environmental Protection Agency. | (3-29-12)  |
| <b>07.</b> | <b>F.</b> Fahrenheit.                                      | (3-29-12)  |
| <b>08.</b> | <b>GPS.</b> Global Positioning System.                     | (3-29-12)  |
| <b>09.</b> | <b>HDPE.</b> High Density Polyethylene.                    | (3-29-12)  |
| <b>10.</b> | <b>IDAPA.</b> Idaho Administrative Procedure Act.          | (3-29-12)  |
| <b>11.</b> | <b>IDEQ.</b> Idaho Department of Environmental Quality.    | (3-29-12)  |
| <b>12.</b> | <b>IDWR.</b> Idaho Department of Water Resources.          | (3-29-12)  |
| <b>13.</b> | <b>MCF.</b> One thousand cubic foot.                       | (4-11-15)  |
| <b>14.</b> | <b>MSDS.</b> Material Safety Data Sheet.                   | (3-29-12)  |
| <b>15.</b> | <b>OSHA.</b> Occupational Safety & Health Administration.  | (3-29-12)  |
| <b>16.</b> | <b>PSI.</b> Pounds per Square Inch.                        | (3-29-12)  |
| <b>17.</b> | <b>PVC.</b> Polyvinyl Chloride.                            | (4-11-15)  |
| <b>18.</b> | <b>U.S.</b> United States.                                 | <u>( )</u> |

**012. -- 014. (RESERVED)**

**015. PROTECTION OF CORRELATIVE RIGHTS.**

The Commission and the Department should ~~afford a reasonable opportunity to each person entitled thereto to recover or receive the oil or gas in such person's tract(s) or the equivalent thereof, without being required to drill unnecessary wells or to incur other unnecessary expense~~ protect correlative rights by administering these rules to not

require an owner to drill unnecessary wells or incur unnecessary expenses to recover or receive ~~such~~ oil or gas or its equivalent. ~~(3-29-12)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

030. NOTICES - GENERAL.

01. **Written Authorization Required.** Any written notice of intention to do work or to change plans previously approved must be filed with the Department, unless otherwise directed, and must be approved before the work is begun. Such approval may be given orally and, if so given, shall thereafter be confirmed by the Department operator in writing. Written notices may be submitted to the Department by e-mail or facsimile. ~~(4-11-15)~~( )

02. **Emergency Authorization.** In case of emergency, or a situation where operations might be unduly delayed, any written notice required by these rules and regulations to be given to the Department may be given orally or by ~~wire email, and if~~ approval is obtained, the ~~transaction shall be confirmed~~ Department will confirm the notification in writing, as a matter of record. ~~(3-29-12)~~( )

03. **Publication of Legal Notices.** Whenever these rules require a legal notice to be published in a newspaper, the notice must be published once a week for two (2) consecutive weeks. (4-11-15)

(BREAK IN CONTINUITY OF SECTIONS)

040. **PUBLIC COMMENT PERMIT PROCESSING.**

Applications submitted under ~~Sections 100, 200, 210, 230 and 330 of these rules~~ Idaho Code § 47-320(1)(a) will be ~~posted on the Department's website for a fifteen day (15) written comment period. The Department will also send an electronic copy of the application to the respective county, and city if applicable, where the proposed operation is located. The purpose of the comment period is to receive written comments on whether a proposed application complies with these rules. These comments will be considered by the Department prior to permit approval or denial. Relevant comments will be posted on the Department's website following the comment period.~~ processed as follows: ~~(4-11-15)~~( )

01. **General Review Process.** Permit review and approval will follow the procedure in Idaho Code § 47-320. The Department may post an application on its website after the Department determines that the application is complete; ( )

02. **Resubmittal.** The applicant may amend applications that are denied due to incompleteness. The applicant may submit an amended application without an additional fee within fifteen (15) business days of the applicant receiving notice of a denied application. New fees may be required if the Department receives the amended application past that fifteen (15) day deadline and the operator does not request an extension for good cause; ( )

03. **Appeals.** The applicant may appeal the Department's decision to the Commission pursuant to Idaho Code § 47-324(d), (e), and (f). ( )

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER B - EXPLORATION AND DEVELOPMENT

100. **GEOPHYSICAL OPERATIONS SEISMIC OPERATIONS.**

01. **Permit Required.** Before beginning seismic operations ~~in the state of Idaho, a representative of the client company and the seismic contractor shall meet with the staff of the Department, file an application for a permit~~

~~to conduct seismic operations, and pay an application fee~~ for oil and gas a person must obtain a permit from the Department. No seismic operation shall be conducted without such a permit. ~~The Department has discretion to waive the requirement of the pre permit meeting for the client company. The permit for seismic operations may be revoked or suspended or the application for the permit denied by the Department for failure to comply with the Commission's rules, statutes, and orders.~~ The Department may revoke, suspend, or deny ~~the application for~~ a seismic permit without a hearing; provided that the seismic contractor shall be given an opportunity for a hearing at the next regularly scheduled Commission meeting. ~~The fact that a permit is revoked or suspended does not excuse the seismic contractor or client company from properly plugging existing seismic holes but does prohibit the person(s) from drilling any more.~~ The application for a ~~permit for~~ seismic operations permit will be processed under Section 040 of these rules and must include all of the following: (3-29-12)( )

a. ~~The~~ For two-dimensional surveys, the proposed route of the seismic line on a topographic or recent air photo base map at a sufficient scale to show roads, buildings, surface waters, density of the seismic source points and receiver lines and Section, Township, and Range lines. The map must also show additional area as needed for any alternative routing. The alternative routing must be within at least one-half (1/2) mile of the proposed route. Reapplication must be made if the final route strays from the proposed route and outside the designated alternative routing areas; ~~and.~~ (3-29-12)( )

b. For three-dimensional surveys, the intended orientation and density of the seismic source points and receiver lines on a topographic or recent air photo base map at a sufficient scale to show roads, buildings, surface waters, and Section, Township, and Range lines. ( )

~~b.c.~~ The energy sources proposed to be used for the seismic operation, such as vibroseis, shot holes, surface shot, or others. (3-29-12)

~~ed.~~ The approximate number, depth, and location of the ~~seismic~~ shot holes and the size of the explosive charges. The application shall be accompanied by a map with a scale of one inch equaling two (2) miles that shows the depth and location of the shot holes. (10-21-92)( )

~~de.~~ The name and permanent address of the client company the Department may contact about the seismic operation. (3-29-12)

~~ef.~~ The name, permanent address, and phone number of the seismic contractor and his local representative whom the Department may contact about the seismic activity. (3-29-12)

~~fg.~~ The name, phone number, and permanent address of the shot hole plugging contractor, if different from the seismic contractor. (10-21-92)( )

~~gh.~~ A detailed description of the shot hole plugging procedures, and a description of the surface reclamation procedures, if such reclamation is needed. (3-29-12)( )

~~hi.~~ The anticipated starting date of seismic operations. (3-29-12)

~~ji.~~ The anticipated completion date of seismic operations, and the anticipated date of any required reclamation or shot hole plugging. (3-29-12)( )

~~jk.~~ A description of the identifying mark that will be on the hat or nonmetallic plug to be used in the plugging of the ~~seismic~~ shot hole. (10-21-92)( )

l. A bond meeting the requirements of Subsection 03 below. ( )

m. An application fee as described in Idaho Code § 47-320. ( )

02. **Operating Requirements.** All ~~geophysical~~ seismic operations must comply with the following requirements: (3-29-12)( )

a. All vehicles utilized by the permit holder, or its agents or contractors, shall be clearly identified by signs or markings utilizing letters or numbers, or a combination thereof, a minimum of three (3) inches in height and one-half (1/2) inch wide, indicating the name of such agent. (3-29-12)

b. No seismic source generation from vibroseis, shot holes, surface shot, or other method shall be conducted within two hundred (200) feet of any residence, water well, oil well, gas well, injection well or other structure without having first secured the express written authority of the owner(s) thereof and the permit holder shall be responsible for any resulting damages. (3-29-12)

c. Written authority from the owner of a residence, water well, oil well, gas well, injection well or other structure must also be obtained from the owner(s) if any explosive charge exceeds the maximum allowable charge within the scaled distance below:

DISTANCE TO STRUCTURE (Feet)*	MAXIMUM ALLOWABLE CHARGE WEIGHTS (Pounds)*
50	0.5
100	2.0
150	4.5
200	8.0
250	12.0
300	18.0
350	25.0
<del>*Based upon a charge weight of seventy (70) Foot/Pound½</del>	

~~(3-29-12)~~ ( )

d. The maximum allowable charge weight is twenty-five (25) pounds, unless the permit holder requests and secures the prior written authorization from the Department. (3-29-12)

e. All seismic sources placed for detonation shall contain additives to accelerate the biodegradation thereof and shall be handled with due care in accordance with industry standards. The cap leads for any seismic sources that fail to detonate shall be buried at least three (3) feet deep. (3-29-12)

f. All vegetation cleared to the ground shall be cleared in a competent and workmanlike manner in the exercise of due care. (3-29-12)

g. Unless otherwise consented to by the surface owner in writing, permit holder shall not cut down any tree measuring six (6) inches or more in diameter, as measured at a height of three (3) feet from the ground surface, unless there are no reasonable alternatives to the removal of such tree(s) available to permit holder. Permit holder shall compensate surface owner the value of all such trees. (3-29-12)

h. All excessive rutting or soil disturbances shall be repaired or restored to the original condition and contour to the extent reasonable, unless otherwise agreed to by the permit holder and the surface owner in writing. (3-29-12)

i. All fences removed shall be replaced, unless otherwise agreed to by the permit holder and the surface owner in writing. (3-29-12)

j. All debris associated with the seismic activity shall be removed and properly disposed. (3-29-12)

03. **Bond Required.** (3-29-12)

a. ~~Before beginning geophysical operations, the geophysical contractor must file and have approved by the Department a~~ The bond for seismic exploration will be in the amount of at least ten thousand dollars

(\$10,000). The Department may increase this ~~bonding requirement amount~~ for ~~geophysical seismic~~ contractors based on the amount of potential damage from the ~~contemplated proposed~~ operation. The ~~condition of such~~ bond shall comply with the Act, the ~~rules and orders of the~~ Commission's ~~rules and orders~~, and ~~orders of the Department's~~ orders. The obligation of the bond shall not be discharged until one (1) year from ~~completion of the survey receipt of the final completion report described in Subsection 100.08 of these rules~~ or until the ~~geophysical seismic~~ contractor has complied with the ~~Oil and Gas Conservation Law Act~~, the Commission's rules, and the orders of the Commission and the Department. (3-29-12)( )

b. Persons ~~or other entities~~ who ~~engage in the plugging of seismic~~ ~~plug shot~~ holes and are not a regular full-time employee of the seismic company, owner, or operator shall have posted with the director a surety bond in favor of the Department. Said bond shall be on a form prescribed by the Department and in the amount of five thousand dollars (\$5,000). The condition of the bond shall comply with the ~~Oil and Gas Conservation Law Act~~ and the regulations and orders of the Commission and the Department. (3-29-12)( )

04. **Newspaper Notice.** Before a ~~geophysical seismic operation~~ contractor conducts the ~~geophysical~~ operation, the contractor shall publish a legal notice in a newspaper of general circulation in the county where the survey will be conducted. The notice ~~will conform with Subsection 030.03 of these rules, and~~ shall state the nature and approximate time period of the seismic operations. These requirements do not apply to operations conducted within a well ~~or conducted by aerial surveys~~. (3-29-12)( )

05. **Owner Agreement and Occupant Notification.** No entry shall be made by any person to conduct seismic operations, upon the lands where such seismic operations are to be conducted, without the permit holder having first ~~given notice at least thirty (30) calendar days prior to commencement of field seismic operations. obtained a written agreement with the surface owner and provided written notice to the following parties:~~ (3-29-12)( )

~~a. The notice shall be in writing and given either personally or by certified United States mail to the following persons:~~ (3-29-12)

~~i. Surface owners reflected in the tax records of the counties where the lands are located, at the mailing addresses identified for such surface owners in such records;~~ (3-29-12)

~~ii.a.~~ Occupants residing on the lands who are not the surface owners, if it can be reasonably ascertained that there are such occupants; and (3-29-12)

~~ii.b.~~ Owners or operators of oil and gas wells within the seismic survey area, as reflected in Department records. (3-29-12)

~~b06.~~ The notice ~~provided for in Subsection 100.05 of these rules~~ shall contain the following: (3-29-12)( )

~~ia.~~ Name of the person ~~or entity~~ that is conducting the seismic operations; (3-29-12)( )

~~ib.~~ Proposed location of the seismic operations; and (3-29-12)

~~ic.~~ Approximate date the person ~~or entity~~ proposes to commence seismic operations. (3-29-12)( )

~~067.~~ **Department Notifications.** (3-29-12)

a. The permit holder shall also notify the Department within five (5) business days of ~~the commencement and completion of beginning~~ each seismic operation. ~~The permit holder will also notify the Department within five (5) business days of completing each seismic operation. These notifications may be done with a sundry notice.~~ ( )

~~b. Before beginning geophysical operations other than seismic operations, the geophysical contractor shall file a notice of intention to do so with the Department. Said notice shall describe the geophysical method to be used and be accompanied by a map of a scale of one (1) inch equals two (2) miles showing the location of the project.~~



(3-29-12)

**0-78. Reports and Notices Required.**

(10-21-92)

a. Activity Report. Upon completion of the seismic ~~activity~~ operations or at thirty (30) day intervals after the work has commenced, whichever occurs first, the seismic contractor shall file with the Department a ~~report of the~~ completion or progress ~~of the seismic project~~ report. The final completion report shall be in affidavit form ~~and shall~~ include a map, and must be submitted to the Department within thirty (30) days of completing the seismic operations. The map in the completion report must be on a seven and one-half (7.5) - or fifteen (15) minute United States Geological Survey topographic quadrangle map (at a scale of one (1) inch equals two thousand (2,000) feet for the seven and one-half (7.5) minute map or one (1) inch equals ~~four thousand (4,000) feet that shows~~ approximately one (1) mile for the fifteen (15) minute map, and each showing section, township, and range) and the location of each survey so that the shot holes and other potential impacts can be easily located. Maps must be dated and labeled with the permit number and the names of the contractor and client companies. The final completion report shall also include a statement that all work ~~has been~~ performed ~~in compliance~~ has complied with the ~~application for a seismic permit to perform seismic activity, and~~ Section 100 of these rules, ~~and permit provisions.~~ Said The maps, ~~applications,~~ and reports shall be kept confidential by the Department for a period of one (1) year from the date of receipt, subject to the needs of the Department to use them to enforce these regulations, the Act, and the orders of the Commission or the Department. Also, the ~~owner of the~~ Department may advise the surface ~~of the land may be advised~~ owner of the location of seismic lines, source points, receiver locations, or ~~seismic shot~~ holes on his land and of the exploration method used. (4-11-15)( )

b. Plugging Notice. Seismic contractors shall give the Department at least twenty-four (24) hours advance notice of shot hole plugging operations, provided that notice of plugging operations planned for Sunday or Monday may be given on the previous Friday. (3-29-12)

**0-82. Client-Contractor Responsibility.** The client company may be held responsible along with the seismic contractor for ~~conducting the operation in compliance~~ any failure to comply with the Commission's rules and orders, the Department's orders, and the Act ~~for the seismic contractor's failure to comply with such rules, statutes, and orders.~~ The hats used ~~in the plugging of seismic~~ to plug shot holes shall be imprinted with the name of the contractor ~~responsible for the plugging of~~ who plugged the hole. (3-29-12)( )

**0-10. Plugging.** Unless the seismic contractor can prove to the satisfaction of the Department that another method will provide better protection to ground water and long-term land stability, ~~seismic~~ shot hole operations shall be conducted in the following manner: (3-29-12)( )

a. When water is used in conjunction with the drilling of ~~seismic~~ shot holes and artesian flow is not encountered at the surface, ~~seismic shot~~ holes ~~are to~~ must be filled with a high grade bentonite/water slurry mixture. Said slurry shall have a density that is at least four percent (4%) greater than the density of fresh water; said slurry shall also have a Marsh funnel viscosity of at least sixty (60) seconds per quart. Density and viscosity are ~~to be~~ measured prior to adding cuttings to the slurry. Cuttings not added to the slurry are to be disposed of in accordance with Paragraph 100.0-10.f. of this rule. Any other suitable plugging material commonly used in the industry may be substituted for the bentonite/water slurry as long as the physical characteristics of said substitute are at least comparable to those of the bentonite/water slurry. Between November 1 and May 1, coarse ground bentonite approved by the Department shall be used as a plugging material. (4-11-15)( )

b. The hole will be filled with the slurry from the bottom up to ~~a depth of three (3) feet~~ (three (3) feet below ground level). A nonmetallic plug will ~~then~~ be set at this depth ~~of three (3) feet~~, and the remaining hole will be filled and tamped to the surface with cuttings and native soil. (10-21-92)( )

c. When drilling with air and nonartesian water is encountered, the hole shall be plugged with the slurry mixture, or coarse ground bentonite, as specified in Paragraph 100.0-10.a., supra. (4-11-15)( )

d. When drilling with air only and in completely dry holes, plugging may be accomplished by returning the cuttings to the hole, tamping the returned cuttings to the above-referenced depth of three (3) feet, and setting the permaplug topped with more cuttings and soil as per Paragraph 100.0-10.b. above. A small mound will be left over the hole for settling allowance. Auger holes twenty (20) feet or less in depth may be plugged in this same



manner.

(4-11-15)( )

e. ~~The foregoing seismic~~ All shot holes shall be properly plugged and abandoned as soon as practical after the shot has been fired; however, a shot hole shall not be left unplugged for more than thirty (30) days without approval of the Department.

(3-29-12)( )

f. Any slurry, drilling fluid, or cuttings which are deposited on the surface around the seismic shot hole will be raked or otherwise spread out to at least within one (1) inch of the surface, so that the growth of the natural grasses or foliage will not be impaired.

(10-21-92)( )

g. The requirements of Paragraphs 100.0910.a. through 100.0910.f. of this rule may be modified by any reasonable written agreement between the seismic company and the surface owner.

(4-11-15)( )

h. If artesian flow (water flowing at the surface) is encountered in the drilling of any seismic shot hole, cement will be used to seal off the water flow thereby preventing cross-flow, erosion, and/or contamination of freshwater supplies. Said holes shall be cemented immediately.

(3-29-12)( )

i. After ~~completing the plugging of seismic~~ shot holes are plugged and ~~spreading the~~ cuttings as required by this rule are spread, the seismic contractor shall record the GPS location of the seismic shot hole, and the contractor shall provide the location data to the Department.

(3-29-12)( )

**101. Forfeiture of ~~Geophysical Exploration~~ Seismic Operation Bond.** The Department may forfeit the bond submitted under Subsection 100.03 of this rule upon failure of the ~~owner or operator~~ seismic contractor or client company to conduct the seismic survey and complete reclamation in conformance with Section 100 of this rule. The ~~owner or operator~~ seismic contractor or client company will be given an opportunity to address compliance issues prior to the Department taking action against the bond.

(4-11-15)( )

#### 101. -- 109. (RESERVED)

#### 110. SURFACE OWNER PROTECTIONS.

**01. Surface Use Agreement.** If the mineral estate has been severed from the surface estate where an oil or gas well is to be located, the owner or operator shall attempt a good faith negotiation of a surface use agreement with the surface owner. The surface use agreement must address how the surface owner will be compensated for lost agricultural income and lost value of improvements directly caused by oil and gas exploration and production. The owner or operator may rely on the tax records of the respective county assessor to identify the surface owner.

(3-29-12)

**02. Surface Owner Notification.** If a surface use agreement cannot be negotiated, then the owner or operator must notify the surface owner of the intent to drill by certified mail at least sixty (60) days prior to the commencement of surface disturbing activities, unless otherwise agreed to by the surface owner. The notification must include a proposed surface use bond amount, and a copy must be sent to the Department.

(3-29-12)

**03. Surface Owner Objection.** If the surface owner disagrees with the owner's or operator's proposed surface use bond amount, the surface owner must send a written objection to the Department within thirty (30) days of receiving the notification from the owner or operator. The objection must contain the owner's or operator's proposed surface use bond amount. Any objection filed will not delay the owner's or operator's proposed start of surface disturbing activities.

(3-29-12)

**04. Surface Use Bond.** The minimum surface use bond in all instances with no surface use agreement will be five thousand dollars (\$5,000), and will be paid in cash to the Department. If the surface owner objects to the owner's or operator's proposed bond amount, the Department will determine a surface use bond based on the information received from both the owner or operator and the surface owner. The Department will then request that the owner or operator submit this bond. The Department may issue the permit to drill and authorize the commencement of drilling operations after this bond has been received. The purpose of this bond is to safeguard the surface owner's loss of agricultural income and improvement values pending the results of a hearing on the final bond.

(3-29-12)( )

**05. Hearing to Determine Surface Use Bond.** When the owner, operator, or surface owner objects to the Department's proposed surface use bond, a hearing will be scheduled as soon as possible to determine the final bond amount. The owner, operator, surface owner, and Department may offer testimony to the hearing officer. The hearing officer will recommend a final bond amount to the Commission Director. After the Commission Director's final order, the owner or operator and surface owner will have twenty-eight (28) days to file a request for judicial review. (3-29-12)( )

**06. Release of Surface Use Bond.** The Department will hold the bond pending either a surface use agreement between the two (2) parties that negates the need for a surface use bond, or reclamation of the surface disturbance. (3-29-12)

**07. Forfeiture of Surface Use Bond.** The Department may forfeit this bond upon failure of the owner or operator to reclaim the disturbed area in a timely manner, or upon failure of the parties to reach a surface use agreement, upon the completion of drilling operations. (3-29-12)

111. -- 119. (RESERVED)

**120. WELL SPACING.**

**01. Standard Spacing Units and Well Locations.** In the absence of an order ~~by the Commission~~ setting spacing units for a pool, or a unit operation as described in Section 14035, the following rules shall apply: (4-11-15)( )

~~**01a. Wells Drilled for Oil; Standard Spacing Unit and Well Location.**~~ Every well drilled for oil must be located ~~in the center of~~ on a spacing unit consisting of a forty (40) acre governmental quarter quarter section, lot or tract, or combination of lots or tracts substantially equivalent thereto as shown by the most recent governmental survey, ~~with a tolerance of two hundred (200) feet in any direction from the center location; provided that no oil well shall be drilled less than nine hundred twenty (920) feet from any other well drilling to or capable of producing oil from the same pool, or no oil well shall be completed in a known pool unless it is located more than nine hundred twenty (920) feet from any other well completed in and capable of producing oil from the same pool.~~ An oil well must have a minimum setback of three hundred thirty (330) feet from the Section's quarter quarter lines. (4-11-15)( )

~~**02b. Wells Drilled for Gas; Standard Spacing Unit and Well Location.**~~ Every well drilled for gas must be located on a drilling spacing unit consisting of approximately six hundred forty (640) contiguous surface acres, which shall be one governmental section ~~or lot(s) equivalent thereto~~, upon which there is not located, and of which no part is attributed to, any other well completed in or drilling to the same pool. ~~In areas not covered by United States Public Land Surveys, such drilling unit shall consist of an area which is: 1) bounded by four (4) sides intersecting at angles of not less than eighty five (85) degrees or more than ninety five (95) degrees; 2) the distance between two (2) points farthest apart thereon shall not exceed eight thousand five hundred (8,500) feet; and 3) shall contain at least six hundred (600) contiguous surface acres. In areas covered by United States Public Land Surveys, such drilling unit shall consist of one governmental section containing not less than six hundred (600) surface acres.~~ A gas well must have a minimum setback of ~~three hundred thirty (330)~~ six hundred sixty (660) feet from the governmental section line. (4-11-15)( )

**02. Meaning of Well Location for Spacing.** ( )

**a.** For vertical wells, well location for the purposes of this Section means where the producing interval is pierced by the well. If casing perforations in the producing interval extend for more than ten (10) feet along the length of the casing, then the mid-point of the producing casing perforations is the well location. ( )

**b.** For non-vertical wells, well location for the purposes of this Section means the entire length of the perforated interval. ( )

**03. Well Locations Adjacent to Spaced Areas.** The Commission shall have the discretion to determine the pattern location of wells adjacent to an area spaced by the Commission, or under application for spacing where there is sufficient evidence to indicate that the pool or reservoir spaced or about to be spaced may

extend beyond the boundary of the spacing order or application, and the uniformity of spacing patterns is necessary to insure orderly development of the ~~reservoir~~ pool. (10-21-92)( )

**04. Exceptions ~~al Well to Locations of Wells and Well Spacing Orders.~~** ~~Upon proper application therefore, the Department may approve, as an administrative matter, an exception to Subsections 120.01 and 120.02 or any order of the Commission establishing well spacing for a pool. An operator may apply for an exceptional well location, and the application will be processed as described in Idaho Code § 47-324(c).~~ The application for an exceptional al well location shall ~~state fully the reasons why such an exception is necessary or desirable, include the consent of the owners of all drilling units directly or diagonally offsetting the drilling unit for which an exception is requested, and shall be accompanied by a plat showing~~ include the following: (4-11-15)( )

**a.** Affidavit that the applicant has a lease for the drilling location; ( )

**b.** A list of names and addresses of applicant's lessors and uncommitted owners in the proposed unit, and a list of names and addresses of lessees, uncommitted owners, and applicant's lessors in offset units; ( )

**c.** Affidavit that the applicant has notified applicant's lessors and uncommitted owners in the proposed unit, and lessees, uncommitted owners, and applicant's lessors in offset units. This notice must include a copy of the application and instructions for responding to the application. ( )

**d.** A statement explaining fully the reasons why the exceptional well location is necessary or desirable; ( )

**e.** All geologic evidence, if any, that supports the exceptional well location; ( )

**f.** A map showing; ( )

**g.** The location at which an oil or gas well could be drilled in compliance with Subsections 120.01 or 120.02 or the applicable order; (4-11-15)( )

**h.** The location at which the applicant requests permission to drill an oil or gas well and the location of the proposed spacing unit; and (4-11-15)

**i.** The location at which oil or gas wells have been drilled or could be drilled, in agreement with Subsections 120.01 or 120.02 or the applicable order, directly or diagonally offsetting the proposed exception. No exceptional al well location shall prevent any owner or operator from drilling an oil or gas well on adjacent lands, directly or diagonally offsetting the exceptional al well location, at locations permitted by Subsections 120.01 or 120.02 or any applicable order of the Commission establishing oil or gas well-spacing units for the pool involved. (4-11-15)( )

**iv.** The operator's existing leases in all spacing units directly or diagonally offsetting the spacing unit. ( )

**05. Applicant Notification of Exceptional Well Location.** After the applicant files their application and the Department determines a hearing date, the applicant will send any notice of hearing and response deadline as follows: ( )

**a.** In offset units, send to lessees, uncommitted owners, and the applicant's lessors; ( )

**b.** In the proposed spacing unit, send to the applicant's lessors and uncommitted owners. ( )

**06. Exceptional Well Location Combined With Integration.** An operator who applies for an exceptional well location and does not have the proposed spacing unit under lease may simultaneously apply for integration of unleased tracts within the proposed spacing unit. The exceptional well location and integration applications can be processed together under Sections 130 and 140 of these rules. ( )

**057. Spacing Unit Changes.** ~~The Commission will review applications to change the size or shape of~~

~~spacing units~~ An operator may apply for changes to the size or shape of spacing units established by Subsections 120.01 or 120.02 of these rules or an order by the Commission. Changes to spacing units may be authorized if the change would assist in preventing waste of oil or gas, avoid the drilling of unnecessary wells, or protect correlative rights. Spacing units will be rectangular in shape and described using geographic boundaries in the United States Public Land Surveys. The size and shape of the units may be adjusted as reasonably required due to geologic or other circumstances affecting the orderly development of a pool. (4-11-15)( )

a. The spacing of wells as described in Subsection 120.01 of these rules is temporary as stated in Idaho Code § 47-321(2)(a). A temporary spacing unit must remain in effect until superseded by an order that establishes spacing units. Production and reservoir information will be used to establish spacing units. ( )

b. An application to change the size or shape of a spacing unit must include an affidavit that the applicant has notified applicant's lessors and uncommitted owners in the proposed unit, and lessees, uncommitted owners, and applicant's lessors within 660 feet of the proposed unit boundary. This notice must include a copy of the application and instructions for responding to the application. ( )

c. Applications will be processed according to the procedures in Section 140 of these rules. After the Department determines the application is complete, the applicant will send any notice of hearing and response deadline as follows: ( )

i. Within 660 feet of the proposed unit boundary send to lessees, uncommitted owners, and the applicant's lessors: ( )

ii. In the proposed spacing unit, send to the applicant's lessors and uncommitted owners. ( )

d. Spacing units must result in the efficient and economic development of the pool as a whole. In establishing spacing units, the Department determines the unit's acreage and shape based upon evidence introduced at the hearing. The Department may divide a pool into zones and establish spacing units for each zone if necessary. The spacing units within the zone may differ in size and shape from spacing units in any other zone but may not be smaller than the maximum area that can be efficiently and economically drained by one well. ( )

e. An exceptional well location may be included in the request to establish spacing units if, upon application, the Department finds that the spacing unit is located on the edge of a pool or field and adjacent to a producing unit, or that the required well location on the spacing unit would not be likely to produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling the well, or for other good cause shown. The Department may act to offset any advantage that the person securing the exceptional well location may have over other producers by reason of drilling the well as an exception. The order must include provisions to prevent production from the spacing unit from being more than its just and equitable share of the producible oil and gas in the pool. ( )

f. An order establishing spacing units for a pool must cover all lands determined or believed to be underlain by the pool and may be modified by order of the Department to include additional areas subsequently determined to be underlain by the pool. ( )

121. -- 129. (RESERVED)

### 130. INTEGRATION.

When two (2) or more separately owned tracts or interests are within a spacing unit, the owners of the tracts or interests may voluntarily integrate their tracts or interests for the development and operation of the spacing unit. In the absence of voluntary integration and upon an application by an owner within a proposed spacing unit, the ~~Commission may, either before or after drilling a well, make an~~ Department will order integrating ~~on of~~ all tracts or interests within the spacing unit for the development and operation of the spacing unit. (4-11-15)( )

01. Integration Application Requirements. Integration applications must be filed with the Commission in hard copy and electronic formats Applicants must submit one (1) paper copy and one (1) electronic copy of the application. The application must contain be accompanied by the following information items:

- 02. Response to the Application and Hearing Processing Integration Applications.** ~~At the time the integration application is filed with the Commission, the applicant must certify that a copy of the integration application and supporting information was served on all mineral interest owners in the spacing unit to be integrated under the application. The affected mineral interest owners in the spacing unit will have twenty-one (21) days from the date of service of the application to file a response to the application with the Commission. The Commission will schedule a hearing on the application for integration. The applicant will give notice of the hearing to all mineral interest owners in the unit to be integrated under the application in the manner required by Section 47-324(b), Idaho Code~~ Applications will be processed as per Section 140 of these rules. Actual mailing costs include, but are not limited to, postage, envelopes, copying, and staff time for preparing application copies for mailing. (4-11-15)( )

~~The Commission will issue an integration order if the Commission approves an application for integration. The integration order will authorize the drilling and operation of a well in a spacing unit, prescribe the time and manner in which all owners in the spacing unit may elect to participate therein, and prescribe the manner for the payment of the costs of drilling and operating the well upon terms that are just and reasonable pursuant to Section 47-322, Idaho Code.~~

**01. Participation Terms.** Upon issuance of an integration order by the Commission, the operator of the integrated spacing unit must issue an elections form to all non-leased owners in the spacing unit by certified U.S. mail, return receipt requested. The election form must clearly identify the participation terms, the course of action if an owner does not respond to the election form, and a response deadline. The terms in Subsections 131-02.03. and 04

~~of these rules are available to non-leased owners in an integrated spacing unit.~~

~~(4-11-15)~~

~~**02. Working Interest Owner.** An owner who elects to participate as a working interest owner will pay the proportionate share of the actual costs of drilling and operating a well allocated to the owner's interest in the spacing unit. Prior to the drilling operations, working interest owners who share in the costs of drilling and operating the well are entitled to their respective shares of the production of the well. The operator of the integrated spacing unit and working interest owners must enter into a joint operating agreement approved by the Commission in the integration order.~~

~~(4-11-15)~~

~~**03. Nonconsenting Working Interest Owner.** An owner who refuses to share in the risk and actual costs of drilling and operating the well is a nonconsenting working interest owner. Nonconsenting working interest owners are entitled to their respective shares of the production of the well, not to exceed one eighth (1/8) royalty, until the operator of the integrated spacing unit has recovered up to three hundred percent (300%) of the nonconsenting working interest owner's share of the cost of drilling and operating the well under the terms set forth in the integration order. After all the costs have been recovered by the consenting owners in the spacing unit, the nonconsenting owner owns the proportionate share in the well, surface facilities, and production, and will be liable for further costs as if the nonconsenting owner had originally agreed to pay the costs of drilling and operating the well. The operator of the integrated spacing unit and nonconsenting working interest owners must enter into a joint operating agreement approved by the Commission in the integration order.~~

~~(4-11-15)~~

~~**04. Lease.** An owner may enter into a lease with the operator of the integrated spacing unit under the terms and conditions in the integration order. The owner will receive one eighth (1/8) royalty. The operator of an integrated spacing unit must pay a leasing mineral owner the same bonus payment per acre as the operator originally paid to other owners in the spacing unit prior to the issuance of the integration order. If an owner fails to make an election within the election period set forth in the integration order, such owner's interest will be deemed leased under the terms and conditions in the integration order.~~

~~(4-11-15)~~

~~1321. -- 1394. (RESERVED)~~

#### ~~14035. UNIT OPERATION AGREEMENTS.~~

~~Any person desiring to obtain the benefits of Section 47-323, Idaho Code, relating to any method of unit, cooperative development, or operation of a field or pool or a part of either, shall file an application with the Department for approval of such agreement which shall have attached a copy of such agreement. Notice of the hearing of such application shall be given by publication of a legal notice in a newspaper of general circulation in Ada County, Idaho, and the county of the unit operation.~~

~~(4-11-15)( )~~

~~**01. Unit Operation Application.** Applicants must submit one (1) paper copy and one (1) electronic copy of the application. The application must be accompanied by the following items:~~

~~( )~~

~~**a.** Information listed in Idaho Code § 47-323(3);~~

~~( )~~

~~**b.** An application fee as described in Idaho Code § 47-320;~~

~~( )~~

~~**02. Processing Unit Operation Applications.** Applications will be processed as per Section 140 of these rules.~~

~~( )~~

~~136. -- 139. (RESERVED)~~

#### ~~140. PROCESSING APPLICATIONS NOT LISTED IN IDAHO CODE § 47-320(1)(4).~~

~~**01. Applications Covered By This Section.** Applications not processed under Section 040 of these rules must be processed as described in this Section.~~

~~( )~~

~~**02. Preapplication Meeting.** The Department staff may require a preapplication meeting at least five (5) but no more than twenty (20) business days prior to filing an application. The purpose of this meeting is to coordinate potential hearing dates.~~

~~( )~~



- 03. General Review Process.** Applications will be processed as per Idaho Code § 47-324(c). ( )
- 04. Application Amendment.** The applicant may amend submitted applications with additional materials. The noticed parties must be forwarded the application amendments. ( )
- 05. Reimbursement for Mailing Costs.** For integration and unitization applications, the Department will send the applicant an invoice after mailing copies of the application. The applicant must pay the invoice within thirty (30) days of receipt. ( )
- 141. -- 199. (RESERVED)**

### SUBCHAPTER C - DRILLING, WELL TREATMENT, AND PIT PERMITS

#### 200. PERMIT TO DRILL, DEEPEN, OR ~~PLUG BACK~~ RE-ENTER.

- 01. Permits Required.** ~~Prior to the commencement of~~ The Department must receive an application and approve a permit before an operator begins operations to drill, deepen, or ~~plug back to any source of supply other than the existing producing horizon, application shall be delivered to the Department of intention to drill, deepen, or plug back re-enter~~ any well for oil or gas, ~~and approval obtained.~~ Drill pad construction may proceed prior to permit approval if a surface use agreement or lease is in place, and a sundry notice is submitted to the Department. No drilling or casing may occur until the permit to drill is approved by the Department. (3-29-12)( )
- 02. Fees** Application Processing. ~~An application fee must accompany each application for permit to drill, deepen, or plug back. No service fee is required for a permit to deepen or plug back in a well for which the fee has been paid for permit to drill unless the drilling permit has expired.~~ Applications will be processed as described in Section 040 of these rules. (3-29-12)( )
- 03. Time Required to Commence Operations; Term of Permit.** ~~On~~ A permit will expire on the first anniversary of the date of issuance of a permit to drill, deepen, or ~~plug back, said permit will expire and be of no further force or effect,~~ or re-enter unless the work for which the permit was issued has been started. Prior to the anniversary date, the owner or operator may apply for a one-time, six-month extension ~~if work has not started.~~ If conditions have not changed and no changes to the permit are requested, the extension may be approved by the Department. If a permit expires ~~due to the failure to commence operations,~~ then ~~reapplication is required prior to commencing~~ an operator must reapply before beginning operations. (3-29-12)( )
- 04. Location of Wells.** No oil or gas wells may be drilled within three hundred (300) feet of existing occupied structures without express written permission from the owner of the structure(s). ( )
- 045. Application.** The Application for Permit to Drill shall include a Department approved form and the following: (3-29-12)
- a. ~~An accurate plat~~ A map with a surveyed well location at a scale of one (1) inch to one thousand (1,000) feet showing the location of the proposed well with reference to the nearest lines of an established public survey and with reference to the boundaries of the proposed spacing unit that conforms to the requirements in Subsection 120.01, or any spacing requirement in an order. (3-29-12)( )
  - b. The location of the nearest structure with a water supply, or the nearest water well as shown on the IDWR registry of water rights or well log database. (3-29-12)
  - c. Information on the type of tools to be used and the proposed logging program. (3-29-12)
  - d. Proposed total depth to which the well will be drilled, estimated depth to the top of the important geologic markers, and the estimated depth to the top of the target formations. (3-29-12)
  - e. A schematic diagram of the BOP and well head assembly. The schematic diagram should indicate the minimum size and pressure rating of all components of the well head and BOP assembly. ( )

~~ef.~~ The proposed casing program, including size and weight thereof, the depth at which each casing type is to be set. (3-29-12)

~~fg.~~ The proposed type ~~and amount, number of sacks, and total volume~~ of cement to be used, and the intervals cemented. ~~(3-29-12)~~ ( )

~~gh.~~ Information on the drilling plan, including proposed type of mud. ~~(3-29-12)~~ ( )

~~hi.~~ Best management practices to be used for erosion and sediment control. (3-29-12)

~~ji.~~ Plan for interim reclamation of the drill site after the well is completed, and a plan for final reclamation of the drill site following plugging and abandonment of the well. These plans must contain the information needed to implement reclamation as described in Subsection 310.16 and Section 510 of these rules. (4-11-15)

~~jk.~~ Applications that include the following actions must also provide the information ~~from the required~~ in each respective Section of these rules: ~~(3-29-12)~~ ( )

i. Well treatments require the submittal of the information in Section 210. (4-11-15)

ii. Pit construction and use requires the submittal of the information in Section 230. (4-11-15)

iii. Directional or horizontal drilling requires the submittal of the information in Section 330. (4-11-15)

~~l.~~ Affidavit that the applicant has a lease for the drilling location. ( )

~~m.~~ An application fee as described in Idaho Code § 47-320. ( )

~~n.~~ Bond meeting the requirements of Section 220 of these rules. ( )

~~o.~~ Any other information which may be required by the Department based on site specific reasons. (3-29-12)

~~056.~~ **Permit Denial.** Applications may be denied ~~for the following reasons:~~ ~~(3-29-12)~~ ( )

~~a.~~ ~~Application fee was not submitted.~~ ~~(3-29-12)~~ ( )

~~b.~~ ~~Application is incomplete.~~ ~~(3-29-12)~~ ( )

~~c.~~ ~~Failure to post required bonds.~~ ~~(3-29-12)~~ ( )

~~d.~~ Proposed if the application does not contain the information required in 200.05 or if the proposed well will result in a waste of oil or gas, a violation of correlative rights, or the pollution of fresh water supplies. ~~(3-29-12)~~ ( )

## 201. MULTIPLE ZONE COMPLETIONS.

**01. Requirements of the Owner or Operator; Request for Approval.** A multiple zone completion may be approved by the Department upon application by the owner or operator ~~and payment of an application fee, as herein provided.~~ The application shall ~~be accompanied by an~~ contain the following items: ( )

~~a.~~ eExhibit showing the location of wells on applicant's lease and all offset wells on leases; ( )

~~b.~~ ~~and shall set forth a~~ All material facts involved and the manner and method of completion proposed, including a diagrammatic sketch of the mechanical installation of the proposed well; ( )



~~c. The An application fee may not exceed that required by Subsection 200.02 of these rules. Notice of the filing of such application shall be given by the applicant by mailing to each offset operator a notice containing a full description of the proposed completion for which approval is requested, and proof of mailing such notice shall be made by affidavit, which shall be attached to the application showing names and addresses of those to whom notice was mailed: as described in Idaho Code § 47-320; (4-11-15)( )~~

**02. Conditions for Approval; Cause for Hearing Application Processing.** ~~In the event the Department is in agreement with the application and that no offset operator files a written objection to the application with the Department within fifteen (15) days of the date of the offset operator's receipt of application, the application shall be approved as an amendment to the drilling permit. If any offset operator shall file in writing with the Department an objection to such multiple completion, or if the Department is not in agreement with the application, the matter shall be immediately set for hearing and Notice of Hearing duly given by the Department~~ Applications will be processed as described in Section 040 of these rules. (3-29-12)( )

**03. Zone Effectiveness; Requirement for Production Testing.** The Department may require such tests as necessary to determine the effectiveness of the segregation of the different productive zones. (3-29-12)

**04. Commingling Production.** The Department may require that oil or gas from multiple zones be produced through different sets of tubing, if needed to protect correlative rights or to prevent waste. (3-29-12)

**202. -- 204. (RESERVED)**

## **205. RECOMPLETIONS AND PLUG BACK.**

**01. Application Processing.** An application for a recompletion or plug back in a well with an exception location that does not meet the spacing requirements in Subsection 120.01 will be processed under Section 140 of these rules. ( )

**02. Application.** Applications for recompletion or plug back must include the following: ( )

**a. The applicable U.S. well number;** ( )

**b. A detailed statement of the proposed work, including:** ( )

**i. Description of proposed plugging materials, volumes, plug lengths, and methods as described in Subsection 502.05, as applicable to the intervals being plugged;** ( )

**ii. The proposed plug's depth from surface;** ( )

**iii. Depth and number of perforations proposed in the new target interval.** ( )

## **206. SUNDRY NOTICES.**

Any person giving the Department a notice that does not require an approval or order will submit a sundry notice. These notices are required when the condition of a well is temporarily modified, such as, but not limited to, flow testing, starting production, workovers, etc. ( )

**207. --209. (RESERVED)**

## **210. WELL TREATMENTS.**

**01. Application Required.** An Application for Permit to Drill required by Section 200 must include any plans for well treatment if they are known before the well is drilled. If well treatments are not covered in the original drilling permit, then ~~an application to amend the permit must be made~~ the operator must submit an application for well treatment to the Department with an application fee. Approval by the Department is required prior to the well treatments being implemented. Actions to clean the casing or perforations not in excess of pressures sufficient to overcome the fracture gradient in the surrounding formation are not considered to be well treatments, but

operators must notify the Department when such actions occur. Applications for well treatments must include the ~~permit~~ U.S. well number, well name, well location, as-built description if drilling has been completed, and the following: ~~(4-11-15)~~ ( )

- a. Depth to perforations or the openhole interval; (3-29-12)
- b. The source of water or type of base fluid; (3-29-12)
- c. Additives, meaning any substance or any combination of substances including proppant, having a specified purpose that is combined with base treatment fluid by trade name, if available, and MSDS for each additive; (3-29-12)
- d. Type of proppant(s); (3-29-12)
- e. Anticipated percentages by volume and total volumes of base treatment fluid, individual additives, and proppant(s); (3-29-12)
- f. Estimated pump pressures; (3-29-12)
- g. Method and timeline for the management, storage, and disposal of well treatment fluids, including anticipated disposal site of treatment fluids or plans for reuse; (3-29-12)
- h. Size and design of storage pits, if proposed, in conformance with Section 230 of these rules; (4-11-15)
- i. Information specific to hydraulic fracturing as described in Section 211 of these rules; (4-11-15)
- j. Summary identifying all water bearing zones from the surface down to the bottom of the well; (3-29-12)
- k. Fresh water protection plan that describes the proposed site specific measures to protect water quality from activities associated with well treatments. The Department will review this plan in consultation with the IDEQ. The Fresh Water Protection Plan shall include the following information: (3-29-12)
  - i. Ground water and storm water best management practices; (3-29-12)
  - ii. Statement certifying that the owner or operator is complying with Spill Prevention, Control, and Countermeasures (SPCC) requirements administered by the EPA; (3-29-12)
  - iii. A preconstruction topographic site map or aerial photos identifying all habitable structures, wells, perennial and intermittent springs, surface waters, and irrigation ditches within one-quarter (1/4) mile of the oil or gas well. The distance or location may be changed based on site specific factors such as horizontal drilling, the expected length of fractures, or lack of suitable water sample locations within one-quarter (1/4) mile; (3-29-12)
  - iv. A brief description of the structural geology that may influence ground water flow and direction; and (3-29-12)
  - v. The general hydrogeological characteristics of the treatment area and surrounding land. (3-29-12)
- l. Certification by the owner or operator that all aspects of the well construction, including the suitability and integrity of the cement used to seal the well, are designed to meet the requirements of proposed well treatments; (3-29-12)
- m. Affidavit signed by the owner or operator stating that all home owners and water well owners within one-quarter (1/4) mile of the oil or gas well, and all owners of a public drinking water system that have a IDEQ recognized source water assessment or protection area within one-quarter (1/4) mile of the oil or gas well, have been notified of the proposed treatment. If a well deviates from the vertical, these surface distances will be from the entire

length of the wellbore from the surface to total depth. The notification will also offer an opportunity to have the owner or operator sample and test the water, at the owner or operator's cost, prior to and after the oil or gas well being treated. Notification shall be by certified mail to the surface owner as identified by the county assessor's records, or to the well owner as identified on the IDWR registry of water rights or well log database; (3-29-12)

n. Proof of publication in a newspaper of general circulation in the county where the well is located of a legal notice briefly describing the well treatment to be performed. Notice shall also advise all water well or public drinking water system owners, as described in Paragraph 210.01.m. of these rules, of the opportunity to have their water tested at the owner's or operator's cost before and after the well treatment; and (4-11-15)

o. Additional information as required by the Department. (3-29-12)

**02. Master Drilling/Treatment Plans.** Where multiple stimulation activities will be undertaken for several wells proposed to be drilled in the same field within an area of geologic similarity, approval may be sought from the Department for a comprehensive master drilling/treatment plan containing the information required. The approved master drilling/treatment plan must then be referenced on each individual well's Application for Permit to Drill. (3-29-12)

**03. Application Processing.** Applications will be processed as described in Section 040 of these rules. ( )

**034. Application Denial.** The Department may deny well treatment applications for one (1) or more of the following reasons: (3-29-12)

a. Application does not contain the information in Subsection 210.01 of these rules; (4-11-15)

b. Application fee was not submitted. (3-29-12)

c. Proposed treatment will result in a waste of oil or gas, a violation of correlative rights, or the pollution of fresh water supplies. (3-29-12)

**045. Time Limit.** If a treatment approved in a ~~drilling permit or amended drilling~~ permit is not started within one (1) year of the approval of the well treatment, the well treatment permit will expire and reapplication will be required prior to conducting the well treatment. Prior to the anniversary date, the owner or operator may apply for a six-month (6) extension. If conditions have not changed, and no changes to the permit are requested, the extension may be approved by the Department. (3-29-12) ( )

**056. Inspections.** The Department may conduct inspections prior, during, and after well treatments. (3-29-12)

**067. Reporting Requirements.** A report on the well treatment must be submitted within thirty (30) days of the treatment. The report shall present a detailed account of the work done and the manner in which such work was performed, including: (3-29-12)

a. The daily production of oil, gas, and water both prior to and after the operation. (3-29-12)

b. The size and depth of perforations. (3-29-12)

c. Percentages by volume and total volumes of base treatment fluid, individual additives, and proppant(s). This requirement can be met by the submittal of well completion field tickets if they contain this information. (3-29-12)

d. Documentation demonstrating the chemicals used in the well treatment have been reported to the website [www.fracfocus.org](http://www.fracfocus.org), its successor website, or another publicly accessible database approved by the Department. The chemical information must be reported in a systems approach. (4-11-15)

e. Information specific to hydraulic fracturing, as described in Section 211 of these rules. (4-11-15)

- f. Static pressure testing results before and after the well treatment. (3-29-12)
- g. The amounts, handling, and if necessary, disposal at an identified appropriate disposal facility, or reuse of the well stimulation fluid load recovered during flow back, swabbing, and/or recovery from production facility vessels. Reporting of recovered fluids shall be included with other monthly production reports required by the Department. Storage of such fluid shall be protective of ground water as demonstrated by the use of either tanks or authorized lined pits as described in Section 230 of these rules. (4-11-15)
- h. Any other information related to operations which alter the performance or characteristics of the well. (3-29-12)
- ~~0-78.~~ **Fresh Water Protections for Well Treatments.** (3-29-12)
- a. The Department will not authorize pits, lagoons, ponds, or other methods of subsurface storage for treatment fluids within IDEQ recognized source water assessment or protection areas for public drinking water systems. Owners or operators must store and transport treatment fluids using above ground storage facilities and tanker trucks for well treatments in these locations. (3-29-12)
- b. The Department will not authorize well treatments to create fractures within five hundred (500) vertical feet above or below fresh water aquifers. (4-11-15)
- c. The Department shall require the owner or operator to complete fresh water monitoring at the owner's or operator's cost before and after a well treatment unless the Department, in consultation with the IDEQ, determines that the proposed treatment does not pose a threat of pollution to fresh waters. The Department will review and approve all monitoring proposals with the IDEQ. The monitoring will be done using representative existing water wells or surface waters within one-quarter (1/4) horizontal mile of the treated well. For wells that deviate from the vertical, sampling may be required within one-quarter (1/4) horizontal mile of the wellbore's projected location on the surface. If no water wells or surface waters are present in this area, the sampling area may be enlarged as needed with approval by the Department. If the Department determines that existing water wells are not representative of the ground waters that could be impacted, then the Department may require the owner or operator to install one (1) or more ground water monitoring wells at the owner's or operator's cost. The owner or operator must obtain consent from appropriate property owners to gain access prior to any sampling or well construction. When monitoring is required by the Department, the operator will prepare a monitoring plan that includes the following: (3-29-12)
- i. Location of proposed monitoring sites; (3-29-12)
- ii. Construction details of any sampled or constructed wells including total well depth, depth of screened interval(s), screen size, and ~~drilling well~~ log. For existing wells, the operator must make every reasonable attempt to locate this information; (~~3-29-12~~)(      )
- iii. When possible, data from the existing wells collected within the last five (5) years and analyzed in a state or EPA certified drinking water lab; (3-29-12)
- iv. List of proposed analytes, testing methods, and their detection limits; (3-29-12)
- v. Additional tests such as stable isotopic analysis; and (3-29-12)
- vi. Pre-treatment sampling and analysis when no relevant data exists, and a schedule for post-treatment sampling and analysis. (3-29-12)
- d. The owner or operator will provide the Department with copies of any analysis or reports within thirty (30) days of samples being taken. All samples must be analyzed in a state or EPA certified drinking water lab. (3-29-12)
- e. Pollution of fresh water supplies due to a well treatment is a violation of these rules and Title 47,

Chapter 3, Idaho Code.

(3-29-12)

**211. HYDRAULIC FRACTURING.**

**01. Application Requirements.** In addition to the information required by Subsection 210.01 of this rule, the owner or operator shall provide the following application information regarding hydraulic fracturing: (4-11-15)

**a.** The geological names and descriptions of the formation into which well stimulation fluids are to be injected; (3-29-12)

**b.** Detailed information on the base stimulation fluid source. For each stage of the well stimulation program, provide the chemical additives and proppants and concentrations or rates proposed to be mixed and injected, including: (3-29-12)

**i.** Stimulation fluid identified by additive type (such as but not limited to acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, surfactant); (3-29-12)

**ii.** The chemical compound name and Chemical Abstracts Service (CAS) number as found on the previously submitted MSDS shall be identified (such as the additive biocide is glutaraldehyde, or the additive breaker is ammonium persulfate, or the proppant is silica or quartz sand, and so on for each additive used); (3-29-12)

**iii.** The proposed rate or concentration for each additive and the total volume of each shall be provided (such as gel as pounds per thousand gallons, or biocide at gallons per thousand gallons, or proppant at pounds per gallon, or expressed as percent by weight or percent by volume, or parts per million, or parts per billion); and (3-29-12)

**iv.** The formulary disclosure of the chemical compounds used in the well stimulation(s) for the purpose of protecting public health and safety. (3-29-12)

**c.** A detailed description of the proposed well stimulation design that shall include: (3-29-12)

**i.** The anticipated surface treating pressure range; (3-29-12)

**ii.** The maximum injection treating pressure, which shall be within accepted safety limits. Accepted safety limits are generally eighty percent (80%) of the maximum pressure rating of the pressurized system; (4-11-15)

**iii.** The estimated or calculated fracture height in both the horizontal and vertical directions. (3-29-12)

**02. Volatile Organic Compounds and Petroleum Distillates.** The injection of volatile organic compounds, such as benzene, toluene, ethyl benzene and xylene, also known as BTEX compounds, or any petroleum distillates into ground water in excess of the applicable ground water quality standards is prohibited. Volatile organic compounds or petroleum distillates may be appropriate as additives, but they are not appropriate for use as the base fluids. The proposed use of volatile organic compounds or any petroleum distillates for well stimulation into hydrocarbon bearing zones may be authorized with prior approval of the director. Water that is produced with oil and gas, and which may contain small amounts of naturally occurring volatile organic compounds or petroleum distillates, may be used as well stimulation fluid in hydrocarbon bearing zones. (3-29-12)

**03. Well Integrity.** Prior to the well stimulation, the owner or operator will perform a suitable mechanical integrity test of the casing or of the casing-tubing annulus or other mechanical integrity test methods and submit an affidavit certifying that the well was tested in anticipation of proposed treatment pressures. The owner or operator will notify the Department of this test twelve (12) to twenty-four (24) hours in advance. (3-29-12)

**04. Pressure Monitoring.** During the well stimulation operation, the owner or operator shall monitor and record the annulus pressure at the casinghead. If intermediate casing has been set on the well being stimulated, the pressure in the annulus between the intermediate casing and the production casing shall also be monitored and

recorded. If the annulus pressure increases by more than five hundred (500) psi gauge as compared to the pressure immediately preceding the stimulation, the owner or operator shall verbally notify the Department as soon as practicable but no later than twenty-four (24) hours following the incident. (3-29-12)

**05. Post Treatment Report.** In addition to the information required by Subsection 210.067 of this rule, the owner or operator shall provide the following post-treatment reporting: ~~(4-11-15)~~ ( )

- a.** The actual total well stimulation treatment volume pumped; (3-29-12)
- b.** The actual surface pressure and rate at the end of each fluid stage and the actual flush volume, rate and final pump pressure; (3-29-12)
- c.** The instantaneous shut-in pressure, and the actual fifteen (15) minute and thirty (30) minute shut-in pressures when these pressure measurements are available; (3-29-12)
- d.** A continuous record of the annulus pressure during the well stimulation; (3-29-12)
- e.** A copy of the well stimulation service contractor's job log, without any cost/pricing data from the field ticket, in lieu of paragraphs (a) through (d) above. If the job log does not contain all the needed information, it must be supplemented with additional information needed to satisfy Paragraphs 211.05.a. through 211.05.d. of this rule. (4-11-15)
- f.** A report containing all details pertaining to any annulus pressure increases of more than five hundred (500) psi gauge as described in Subsection 211.04 of this rule. The report shall include corrective actions taken, if necessary. (4-11-15)
- g.** Results of post treatment fluid analysis used to help determine where the fluid can be disposed. (3-29-12)

**212. -- 219. (RESERVED)**

**220. BONDING.**

**01. Individual Bond.** The Department shall, except as hereinafter provided, require from the owner or operator a good and sufficient bond in the sum of not less than ten thousand dollars (\$10,000) plus one dollar (\$1) for each foot of planned well length in favor of the Department. The bond shall be conditioned upon the performance of the owner's or operator's duty to comply with the requirements of the Act and the rules of the Commission, with respect to the drilling, maintaining, operating, and plugging of each well drilled for oil and gas and the reclamation of surface disturbance associated with these activities. Said bond shall remain in force and effect until the plugging of said well is approved by the Department and the well site is reclaimed as described in Section 510 of these rules, or the bond is released by the Department. (4-11-15)

**02. Blanket Bond.** In lieu of the bond in Subsection 220.01 of this rule, any owner or operator may file with the Department a good and sufficient blanket bond covering all active wells drilled or to be drilled in the state of Idaho. The bond, or a bond rider, must list all the wells covered by the bond. The amount of the blanket bond will be as follows according to the number of active wells covered by the bond: ~~(4-11-15)~~ ( )

- a.** Up to ten (10) wells, fifty thousand dollars (\$50,000); (3-29-12)
- b.** Eleven (11) to thirty (30) wells, one hundred thousand dollars (\$100,000); or (3-29-12)
- c.** More than thirty (30) wells, one hundred fifty thousand dollars (\$150,000). (3-29-12)

**03. Inactive Well Bond.** An owner or operator must provide the Department with a bond of at least ten thousand dollars (\$10,000) plus eight dollars (\$8) for each foot of planned well length for each inactive well conditioned upon the performance of the duty to comply with the requirements of the Act and the rules of the Commission, with respect to the drilling, maintaining, operating, and plugging of each well drilled for oil and gas.

Said bond shall remain in force and effect until the plugging of said well is approved by the Department, or the bond is released by the Department. Inactive wells may not be covered by a blanket bond as provided in Subsection 220.02 of this rule. (4-11-15)

**04. Additional Bonding.** The Department may impose additional bonding on an owner or operator given sufficient reason, such as non-compliance, unusual conditions, horizontal drilling, or other circumstances that suggest a particular well or group of wells has potential risk or liability in excess of that normally expected. The owner or operator may request a hearing to appeal either the decision to impose an additional bond or the proposed amount of the bond. (3-29-12)

**05. Authorized Bonds.** The bond(s) referred to in Section 220 must be by a corporate surety authorized to do business in the state of Idaho or in cash. If cash is used to satisfy the bonding requirements in these rules, interest on the cash will be allocated to the general fund. (4-11-15)

**221. TRANSFER OF DRILLING PERMITS.**

No person to whom a permit has been issued shall transfer the permit to any other location or to any other person until the following requirements have been complied with: (10-21-92)

**01. Prior to Drilling Well.** If, prior to the drilling of a well, the person to whom the permit was originally issued desires to change the location, he shall submit a letter so stating and another application properly filled out showing the new location. Drilling shall not be started until the transfer has been approved and the new permit posted at the new location. (3-29-12)

**02. During Drilling or After Completion.** If, while a well is being drilled or after it has been completed, the person to whom the permit was originally issued disposes of his interest in the well, he shall submit a written statement to the Department setting forth the facts and requesting that the permit be transferred to the person who has acquired the well. (3-29-12)

**03. Terms for Acceptance of Transfer.** Before the transfer of a drilling permit shall be recognized, the person who has acquired the well must submit ~~a written statement setting forth that he has acquired such well and assumes full responsibility for its operation and abandonment in conformity with the law, rules, regulations, and orders issued by the Commission. If bond is required to guarantee compliance with the rules and regulations of the Commission, the person acquiring such well shall furnish bond.~~ the following: (3-29-12)( )

**a.** A written statement setting forth that he has acquired such well and assumes full responsibility for its operation and abandonment in conformity with the law; ( )

**b.** If a bond is required, the person acquiring such well must furnish the bond; and ( )

**c.** An Organization Report and Designation of Agent as required by Sections 032 and 033 of these rules if they have not been previously submitted. ( )

**222. -- 229. (RESERVED)**

**230. PIT REQUIREMENTS.**

**01. Plans Required.** If pits are proposed to be constructed in connection with another permit application required by these rules, then the owner or operator must include plans for pit construction in the application. If a pit is needed after the other permits have been approved, then ~~a pit~~ application ~~to amend the permit~~ must be made to the Department with an application fee. Approval by the Department is required prior to the pit being constructed unless the pit is necessary for an emergency action. Pit applications must include the ~~permit~~ applicable U.S. well number, well name, well location, as-built description if drilling has been completed, proposed pit location, and plans for pit construction, operation, and reclamation. (3-29-12)( )

**02. Application Processing.** Applications will be processed as described in Section 040 of these rules. ( )



**023. Location.** (3-29-12)

a. Pits must be located where they are structurally sound and the liner systems can be adequately protected against factors such as wild fires, floods, landslides, surface and ground water systems, equipment operation, and public access. (3-29-12)

b. Pits located in a one hundred-year floodplain must ~~be in conformance~~ conform with any applicable floodplain ordinances pertaining to activities within the one hundred-year floodplain. (3-29-12)( )

c. Pits shall not be located within an IDEQ recognized source water assessment or protection areas for public drinking water systems. (3-29-12)

**034. Site Preparation.** All sites must be properly prepared prior to pit construction. Vegetation, roots, brush, large woody debris and other deleterious materials, topsoil, historic foundations and plumbing, or other materials that may adversely affect appropriate construction, must be removed from the footprint of the pit unless approved by the Department. (3-29-12)

**045. Pit Sizing Criteria.** (3-29-12)

a. Pits that have constructed berms ten (10) or more feet in height or hold fifty (50) acre-feet or more of fluid must also comply with the dam safety requirements of IDAPA 37.03.06, "Safety of Dams Rules." (3-29-12)

b. Pits must be designed to hold the maximum volume of fluids being used for drilling or well treatment and the volume of water associated with a one hundred-year, twenty-four-hour precipitation event. (3-29-12)

c. Snowmelt events shall be considered in determining the containment capacity. (3-29-12)

d. Pits that are left over winter must be able to contain one hundred twenty-five percent (125%) of the average annual precipitation that falls from October through May. (3-29-12)

e. Pits must be designed to maintain a minimum two (2) foot freeboard at all times. Contingency plans for managing excesses of fluids shall be described in the application. At no time shall fluids in a pit be allowed to escape from the ~~impoundment~~ pit. (3-29-12)( )

**056. Minimum Plans and Specifications for Reserve, Well Treatment, and Other Short Term Pits.** Pits used for one (1) year or less, not including extensions, are short term pits. Construction plans and specifications for short term pits must include the requirements under Subsections 230.023 through 230.045 of this rule and the following: (4-11-15)( )

a. A prepared sub-base, which shall be free of plus three (3) inch rocks, roots, brush, trash, debris or other deleterious materials, and compacted to ninety-five percent (95%) of Standard Proctor Test ASTM D698-07e1 or ninety-five percent (95%) of Modified Proctor Test ASTM D1557-09; (3-29-12)

b. Slopes of two (2) feet horizontal to one (1) foot vertical (2H:1V) or flatter for all interior and exterior pit walls. The top of a bermed pit wall must be a minimum of two (2) feet wide; (3-29-12)

c. A primary liner system consisting of a synthetic liner of at least twenty (20) mils thickness and constructed according to manufacturers' standards with at least four (4) inches of welded seam overlap and complete coverage on the floor and inside walls of the pit. Seams must run parallel to the line of maximum slope so they do not traverse across the slope. The liner edges shall be anchored in a compacted earth filled trench at least eighteen (18) inches in depth. The liner must be protected against cracking, sun damage, ice, frost penetration or heaving, wildlife and wildfires, and damage that may be caused by personnel or equipment operating in or around these facilities. Liner compatibility shall comply with EPA SW-846 method 9090A. Alternative liner systems with similar standards may be proposed by the owner or operator and approved at the Department's discretion; (3-29-12)

d. Minimum factors of safety, and the logic behind their selection, for the stability of the earthworks



and the lining system of the pit; (3-29-12)

- e. Site-specific methods for excluding people, terrestrial animals, and avian wildlife from the pits; (3-29-12)
- f. Segregation and stockpiling of topsoil in a manner that will support reestablishment of the pre-disturbance land use after pit closure; and (3-29-12)
- g. A closure plan including the following: (3-29-12)
  - i. Testing of residual fluids and any accumulated solids, if anything other than water based drilling fluid was placed in the pit; (3-29-12)
  - ii. Plans for removal and disposal of residual fluids and accumulated solids, with the liner material, at an appropriate facility; (3-29-12)
  - iii. Regrading plan, replacement of topsoil, and erosion control measures; and (3-29-12)
  - iv. Reseeding and Revegetation. (3-29-12)

**067. Minimum Plans and Specifications for Long Term Pits.** Pits used for more than one (1) year, not including extensions, are long term pits. Construction plans and specifications for long term pits must include the requirements under Subsections 230.023 through 230.056 of this rule and the following: (4-11-15)( )

- a. A quality control/quality assurance construction and installation plan; (3-29-12)
- b. Type of fluids to be contained in the pit; (3-29-12)
- c. Secondary containment synthetic liners, which shall have a minimum thickness of sixty (60) mils consisting of HDPE and a maximum coefficient of permeability of  $10^{-9}$  cm/sec, or comparable liners approved by the Department; (3-29-12)
- d. Leak detection and collection systems. The plans and specifications shall: (3-29-12)
  - i. Provide a material between primary and secondary containment synthetic liners to collect, transport and remove all fluids that pass through the primary containment synthetic liner at such a rate as to prevent hydraulic head from developing on the secondary containment synthetic liner to the level at which it may be reasonably expected to result in discharges through the secondary containment synthetic liner; (3-29-12)
  - ii. Provide routines and schedules for the evaluation of the efficiency and effectiveness of the removal of fluids from the layer placed between primary and secondary containment synthetic liners. The properly working system shall continually relieve head pressures on the secondary containment synthetic liner; (3-29-12)
  - iii. Provide specific triggers for maintenance routines, which shall be initiated in response to inadequate performance of primary or secondary containment synthetic liners; and (3-29-12)
  - iv. Specify operation and maintenance procedures, which shall be initiated in response to inadequate performance of primary and secondary containment or leak detection and collection systems. (3-29-12)
- e. All piping, including that contained in the leak detection and collection system, shall have a minimum wall thickness of PVC Schedule 80 and be designed to: (4-11-15)
  - i. Withstand chemical attack from oil field waste or leachate; (3-29-12)
  - ii. Withstand structural loading from stresses and disturbances from cover materials or equipment operation; and (3-29-12)

iii. Facilitate clean-out and maintenance. (3-29-12)

f. Protections for the liner from excessive hydrostatic force or mechanical damage at the point of discharge into, or suction from, the pit. External discharge or suction lines shall not penetrate the liner; (3-29-12)

g. Plans for erosion control during and immediately following construction; and (3-29-12)

h. Operating and maintenance plans. (3-29-12)

**078. Time Limits for Short Term Pits.** Reserve, well treatment, and other short term pits must be closed out and reclaimed within one (1) year of being constructed. The owner or operator may request a one-time extension for up to six (6) months. The Department may grant the request if the owner or operator gives sufficient cause and presents a plan for ensuring that the pit is adequately monitored and maintained. (3-29-12)

a. Fluids may be left in a pit for up to six (6) months after the associated well activities are conducted. The owner or operator may request a one-time extension ~~for~~ of up to one (1) year. The Department may grant the request if the owner or operator gives sufficient cause and presents a plan for keeping the fluids in a usable state. (3-29-12)( )

b. Notwithstanding the above time limits, the owner or operator may request additional time based upon conditions wholly outside of the owner's or operator's control including, but not limited to, governmental lease requirements and delays related to difficult drilling conditions. The Department may impose additional construction or monitoring requirements prior to granting additional time. (3-29-12)

**089. Emergency Pits.** Pits constructed during an emergency situation may be approved by an after-the-fact application submitted to the Department. The requirements in Subsections 230.023 through 230.056 of this rule shall apply, and the pit must be closed out and reclaimed within six (6) months of being constructed. The Department must be notified within twenty-four (24) hours of an emergency situation requiring an emergency pit. (4-11-15)( )

**0910. Operating Requirements.** (3-29-12)

a. Waste oil, hydraulic fluid, transmission fluids, trash, or any other miscellaneous waste products must not be disposed of in a pit. Placement of these materials into a pit may result in the creation of a mixed waste that requires handling and disposal as a hazardous waste. (3-29-12)

b. If a pit liner's integrity is compromised, or if any penetration of the liner occurs above the liquid's surface, then the owner or operator shall notify the appropriate Department area office within forty-eight (48) hours of the discovery and repair the damage or replace the liner. (3-29-12)

c. If a pit or closed-loop system develops a leak, or if any penetration of the pit liner occurs below the liquid's surface, then the owner or operator shall remove all liquid above the damage or leak line within forty-eight (48) hours, notify the appropriate Department area office within forty-eight (48) hours of the discovery, and repair the damage or replace the pit liner. (3-29-12)

d. The owner or operator shall install, or maintain on site, an oil absorbent boom or other device to contain and remove oil from a pit's surface. Visible oil must be removed from short term pits immediately following the cessation of activity for which the pit was constructed. Visible oil must be removed from long term pits as soon as it is discovered. (3-29-12)

**101. Closure of Pits.** (3-29-12)

a. The owner or operator shall remove all liquids from the pit prior to closure and dispose of them at an appropriate facility or reuse them at a different location. If the nature of the fluids has substantially altered during their use, then the fluids must be sampled and tested to determine which disposal facility can accept them. (3-29-12)

b. Any solids that have been accumulated in the bottom of the pit will be tested to determine which

disposal facility can accept the material. The solid material and liner will then be removed and disposed of at an appropriate facility. (3-29-12)

**c.** The owner or operator must notify the Department at least forty-eight (48) hours prior to removal of the pit liner so an inspection may be conducted. (3-29-12)

**d.** The pit foundation will be inspected for signs of leakage. If evidence of leakage is observed, the owner or operator must contact the Department and the IDEQ within twenty-four (24) hours and report the type of fluids released and the estimated extent of release. The owner or operator must then remediate the site in conformance with the applicable standards administered by IDEQ in IDAPA 58.01.02, "Water Quality Standards," Sections 850 through 852. (3-29-12)

**e.** After addressing any pit leakage concerns, the owner or operator shall perform the activities described in Subsections 510.04 through 510.08 of these rules. (4-11-15)

**1-2. Condemnation Due to Improper Impoundment.** The Department shall have authority to condemn any pit that does not properly impound fluids and order the disposal of such fluids in conformance with IDAPA 58.01.16, "Wastewater Rules," and other applicable rules. (3-29-12)

**231. -- 299. (RESERVED)**

## **SUBCHAPTER D - WELL SITES AND DRILLING**

### **300. IDENTIFICATION OF WELLS.**

**01. Signs; Lease Access Roads.** To identify all producing leases the owner or operator thereof shall cause a sign to be placed where the principal lease road enters the lease and such sign shall show the name of the lease and the owner or operator thereof and the section, township, and range. (10-21-92)

**02. Signs; Well Sites.** Prior to spud activity, a legible sign must be placed near the well to identify the operator, ~~permit~~ U.S. well number, well name, and emergency telephone number. If a multiple completion, each well head connection shall be identified. ~~(4-11-15)~~ ( )

### **301. WELL SITE OPERATIONS.**

The owner or operator must conduct all operations and maintain the well site at all times in a safe and workmanlike manner. Best management practices and good housekeeping practices must be used at well sites. (4-11-15)

**01. Fencing.** Within sixty (60) days after completion of the well, the owner or operator must install a fence around the well site to maintain safe working conditions, secure the well site, and prevent access by wildlife and livestock. The fence design must be acceptable to both the ~~landowner~~ surface owner and owner or operator. ~~(4-11-15)~~ ( )

**02. Storage.** All chemicals must be stored and maintained in accordance with the applicable MSDS requirements. Materials related to operations must be palletized where applicable. Vehicles and materials not in use must be removed from the well site. (4-11-15)

**03. Vegetation.** All well sites must be kept free of excessive vegetation. (4-11-15)

**04. Trash.** All trash, debris, and scrap metal must be removed from the well site. Pending removal, any trash or debris that might constitute a fire hazard shall be removed to a distance of at least one hundred (100) feet from the well location, tanks, and separator. (4-11-15)

**05. Wellhead Equipment.** After a well is completed, the operator will send a scaled drawing of the as built pad with all wellhead equipment to the Department. If equipment is added or removed during subsequent workovers or other activity, a revised sketch will be submitted with a sundry notice. ( )

(BREAK IN CONTINUITY OF SECTIONS)

310. GENERAL DRILLING RULES.

**01. General Design Requirements for Casing and Cementing.** Casing and cementing programs adopted for wells must be so planned as to protect any potential oil- or gas-bearing horizons penetrated during drilling from infiltration of injurious waters from other sources, and to prevent the migration of oil or gas from one horizon to another. Owners and operators shall follow the standards for casing and tubing in API SPEC 5CT and the standards for cementing in API SPEC 10A. (3-29-12)

**02. Wildcat and High-Pressure Conditions.** When drilling wildcat territory or in any field where high pressures are likely to exist, the owner or operator shall take all necessary precautions to keep the well under control at all times and shall use proper high-pressure fittings and equipment at the time the well is started. Under such conditions all strings of casings must be securely anchored. (3-29-12)

**03. High Temperature Conditions.** Due to high geothermal gradients in Idaho, the temperature of the return drilling mud shall be monitored daily during the drilling of the surface casing hole and all deeper holes. The owner or operator must use cements appropriate for the temperatures expected or encountered. (3-29-12)

**04. Conductor Pipe or Casing Requirements.** A minimum of forty (40) feet of conductor pipe shall be installed. If geologic conditions are such that forty (40) feet is not feasible, the owner or operator may request a variance from the Department. The annular space is to be cemented solid to the surface. A twenty-four (24) hour cure period for the grout must be allowed prior to drilling out the shoe unless sufficient additives, as determined by the Department, are used to obtain early strength. (3-29-12)

**05. Surface Casing Requirements.** (3-29-12)

**a.** The Department must be notified in writing seventy-two (72) hours in advance of planned spud activity for surface casing. The Department will post the spud activity notice on its website and send an electronic copy of the notice to the county where the well is located. (4-11-15)

**b.** Surface casing must be set at a minimum depth equal to ten percent (10%) of the proposed total depth of the well. In areas where pressures and formations are unknown, a minimum of two hundred (200) feet of surface casing shall be set. (3-29-12)

**c.** Surface casing shall provide for control of formation fluids, protection of fresh water, and for adequate anchorage of blow out prevention equipment. The casing must be seated through a sufficient series of low permeability, competent lithologic units such as claystone, siltstone, basalt, etc., to insure a solid anchor for blow out prevention equipment and to protect usable ground water from contamination. Additional surface casing may be required if the first string has not been cemented through a sufficient series of low permeability, competent lithologic units, or if rapidly increasing thermal gradients or formation pressures are encountered. (4-11-15)( )

**d.** All surface casing shall be cemented solid to the surface by pump and plug, displacement, or other approved method. When surface samples are cured, additional drilling activities may commence. (3-29-12)

**e.** The Department must be notified in writing twenty-four (24) hours in advance of planned cementing activity for surface casing. The Department will witness and document all surface casing cementing activities. (4-11-15)

**06. Requirements for BOP Equipment.** Unless altered, modified, or changed for a particular pool(s) upon hearing before the Commission through application to the Department, BOP and related equipment shall be installed and maintained during the drilling of all wells in accordance with the following rules: (3-29-12)( )

**a.** BOP equipment installed on wells in which formation pressures to be encountered are abnormal or unknown shall consist of a double-gate, hydraulically operated preventer with pipe and blind rams or two (2) single-ram-type preventers; one (1) equipped with pipe rams, the other with blind rams and an annular type preventer. In

addition, upper and lower kelly cocks, pit level indicators with alarms and/or flow sensors with alarms, and surface facilities to handle pressure kicks shall be installed prior to drilling any formation with known abnormal pressure.

(10-21-92)

i. Accumulators shall maintain a pressure capacity reserve at all times to provide for operation of the hydraulic preventers and valves with no outside source.

(10-21-92)

ii. In all other drilling operations, BOP equipment shall consist of at least one (1) double-gate preventer with pipe and blind rams or two (2) single-ram-type preventers, one (1) equipped with pipe rams, the other with blind rams, and sufficient valving to permit fluid circulation at the surface.

(10-21-92)

b. All BOP equipment, choke lines, and manifolds shall be installed above ground level. Casing heads and optional spools may be installed below ground level provided they are visible and accessible.

(4-11-15)

c. BOP equipment and related casing heads and spools shall have a vertical bore no smaller than the inside diameter of the casing to which they are attached.

(3-29-12)

d. The working pressure rating of all BOP and related equipment shall equal or exceed the maximum anticipated pressure to be contained at the surface.

(4-11-15)

e. All ram-type BOP and related equipment, including casing, shall be tested to the full working pressure rating of said equipment upon installation, provided that components need not be tested to levels higher than the lowest working pressure rated component. Annular type BOP and related equipment must be tested in conformance with the manufacturer's published recommendations. If, for any reason, a pressure seal in the assembly is disassembled, a test to a full working pressure rating of that seal shall be conducted prior to the resumption of any drilling operation. In addition to the initial pressure tests, ram-type BOP shall be checked for physical operation at least once per week and all components, again with exception of the annular-type BOP, tested at least once every twenty-one (21) days to at least fifty percent (50%) of the rated pressure of the BOP equipment and/or to the maximum anticipated pressure to be contained at the surface, whichever is greater.

(4-11-15)

f. The Department will require an affidavit covering the initial pressure tests after installation signed by the owner, operator, or contractor attesting to the satisfactory pressure tests. The Department must be advised at least twenty-four (24) hours in advance of all tests. The Department may inspect and witness all BOP operations and testing.

(4-11-15)

~~g. A schematic diagram of the BOP and well head assembly shall be submitted to the Department upon application for a permit to drill. The schematic diagram should indicate the minimum size and pressure rating of all components of the well head and BOP assembly.~~

~~(3-29-12)~~

h. Studs on all well head and BOP flanges shall be checked for tightness each week. Hand wheels for locking screws shall be installed and operational, and the entire BOP and well head assembly shall be kept clean of mud and ice.

(10-21-92)

i. A drillstem safety valve shall be available on the rig floor at all times with correct thread for the pipe in use.

(3-29-12)

j. A drillstem float valve shall be installed in bit sub or as close to bit as reasonably possible.

(3-29-12)

#### **07. Intermediate Casing.**

(3-29-12)

a. Intermediate casing, if installed, shall be cemented solidly to the surface or to the top of the casing.

(3-29-12)

b. Intermediate casing not run to surface will be lapped into at least one hundred (100) feet of the surface casing, or at least one hundred (100) feet of the next larger casing to provide overlap and secure a seal.

(3-29-12)

- c. Such casing shall be cemented and pressure tested before cement plugs are drilled. (3-29-12)
    - d. The Department must be notified in writing twenty-four (24) hours in advance of planned cementing activity for intermediate casing. The Department may witness and document all intermediate casing cementing activities. (4-11-15)
  - 08. **Production Casing; Cementing and Testing Requirements.** (3-29-12)
    - a. If and when it becomes necessary to run a production casing, such casing shall be cemented and pressure tested before cement plugs are drilled. (3-29-12)
    - b. The Department must be notified in writing twenty-four (24) hours in advance of planned cementing activity for production casing. The Department may witness and document all production casing cementing activities. (4-11-15)
    - c. When not run to the surface, production casing will be cemented from the bottom of the hole up into at least one hundred (100) feet of the next larger casing to provide overlap and secure a seal. (3-29-12)
    - d. If the bottom plug will be drilled out, the open hole interval must be completed to protect any potential oil-bearing or gas-bearing horizons penetrated during drilling from infiltration of injurious waters from other sources, and to prevent the migration of oil or gas from one horizon to another. (3-29-12)
  - 09. **Step-off.** An owner or operator may submit to the Department a step-off request to complete a new borehole from surface if a borehole without production casing deviates from vertical plumb by more than five (5) degrees. A step-off borehole must be drilled within the existing pad of the permitted well. The incomplete borehole must be plugged and abandoned in accordance with Section 502 of these rules. (4-11-15)
  - 10. **Well Control (Rotary Tools); Reserve Mud Tanks.** When drilling with rotary tools, the owner or operator shall provide, as required by the Department, a reserve mud pit or tank of suitable capacity for the anticipated depth of the well and maintain an on-site supply of mud additives that can raise the mud weight by one (1) pound per gallon in case of loss of well control. (4-11-15)
  - 11. **Mud Pits.** Before commencing to drill, proper and adequate mud pits shall be constructed for the reception and confinement of mud and cuttings and to facilitate the drilling operation. Special precautions shall be taken, if necessary, to prevent contamination of fresh waters. These pits must conform to the standards in Section 230 of these rules. If tanks will be used, then mud pits may not be required. (4-11-15)
  - 12. **Well Control (Cable Tools); Fluid Containment.** Natural gas or oil which may be encountered in a substantial quantity in any section of a cable tool drilled hole above the ultimate objective shall be shut off with reasonable diligence either by mudding or by casing, or other approved method, and confined to its original source to the satisfaction of the Department. The use of cable tools for drilling activities requires written approval by the Department prior to spud activities. A request to use cable tools must include the following: (4-11-15)
    - a. Proposed pressure control measures; (4-11-15)
    - b. Diversion and disposal methods for stray gas; (4-11-15)
    - c. Safety protocols for mud weights and well controls; and (4-11-15)
    - d. Annual drill rig safety inspection information, including the date of last replacement of cables, draw works inspection report, and metallurgic report of safety compliance for structural integrity of the drill rig. (4-11-15)
  - 13. **Drilling Mud Disposal.** Drilling mud will be disposed of at an appropriate facility in compliance with applicable state and federal requirements. (3-29-12)



**14. Report of Water Encountered; Owner's or Operator's Duties.** It shall be the duty of any owner or operator drilling an oil or gas well or drilling a seismic, core or other exploratory hole to report to the Department all potential water bearing zones encountered; such report shall be in writing and give the location of the well or hole, the depth at which the zones were encountered, the thickness of such zones, and the rate of flow of water if known. This requirement can be met by the submittal of the logs required in Section 340 of this rule. (4-11-15)

**15. Spill Prevention, Control, and Countermeasures Plan.** The owner or operator must have a Spill Prevention, Control, and Countermeasures Plan in conformance with the requirements of the EPA. This plan must be updated as needed when facilities or activities change. (3-29-12)

**16. Interim Drill Site Clean Up.** If a well is completed for production or other purposes, interim reclamation must be completed within six (6) months of the rig being removed. Interim reclamation includes the following activities: (3-29-12)

**a.** Debris and waste materials including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand, plastic, pipe, and cable associated with the drilling, re-entry, or completion operations shall be removed and disposed of properly. (3-29-12)

**b.** All disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months, shall be reclaimed and revegetated to approximately the pre-drilling condition or to the condition specified in an agreement with the surface owner. The reclamation standards in Subsections 510.04 through 510.07 of these rules, shall apply. (4-11-15)

**(BREAK IN CONTINUITY OF SECTIONS)**

**314. VACUUM PUMPS PROHIBITED.**

The use of vacuum pumps or other devices for the purpose of placing a vacuum on any gas- or oil-bearing stratum is prohibited; however, the Department may upon application ~~and hearing~~ and for good cause shown permit the use of vacuum pumps. Applications will be processed as described in Section 140 of these rules. ~~(3-29-12)~~ ( )

**315. PULLING OUTSIDE STRINGS OF CASING.**

Casing shall not be recovered if its recovery will expose any abnormal pressure, lost circulation, oil, gas, or water zone. In pulling outside strings of casing from any oil or gas well, the space outside the casing left in the hole shall be kept and left full of mud-laden fluid of adequate specific gravity to seal off all fresh and saltwater strata and any strata bearing oil or gas which is not producing. Casing may not be pulled without first making application to the Department and receiving approval. The application must describe how fresh waters will be protected. Applications will be processed as described in Section 140 of these rules. ~~(3-29-12)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**330. WELL DIRECTIONAL CONTROL.**

**01. General Restrictions; Allowable Deviation.** The maximum point at which a well penetrates the producing formation shall not unreasonably vary from the vertical drawn from the center of the hole at the surface. Deviation is permitted without special permission to remedy blowouts and, for short distances, to straighten the hole, sidetrack junk, or correct other mechanical difficulties. (10-21-92)

**02. Controlled Directional Drilling.** Except for the purposes recited in Subsection 330.01, no well hereafter drilled may be intentionally directionally deviated from the vertical unless the owner or operator thereof shall first file an application ~~and application fee to amend the drilling permit~~ and receive approval from the Department. Such application may be included with a drill permit application and shall contain the following information: ~~(4-11-15)~~ ( )



- a. Name and address of the owner or operator. (3-29-12)
- b. ~~Lease~~ Well name, ~~well~~ U.S. number, name of field and reservoir, and county. ~~(10-21-92)~~( )
- c. Description of surface location and proposed location of the producing interval (footage from lease and section or block and survey lines). (10-21-92)
- d. Reason for intentional deviation. (10-21-92)
- ~~e. List of offset operators and statement that each has been furnished a copy of the application by registered mail. (10-21-92)~~
- ~~f. Signature of representative of owner or operator. (3-29-12)~~
- ~~g. Notification to offset operators that any objection they may have to the proposed intentional deviation of the well must be filed with the Department within fifteen (15) days of receipt of a copy of the application. (3-29-12)~~
- ~~h. The application shall be accompanied by a Δ neat, accurate plat map or sketch of the lease and all offset leases showing the names of all offset operators and the surface and proposed producing interval locations of the well. Plat Map shall be drawn to a scale which will permit facile observation of all pertinent data. (10-21-92)( )~~
- ~~g. An application fee as described in Idaho Code § 47-320. ( )~~
- ~~03. Copy of Application to Offset Operators. At the time the application is filed with the Department, a copy of the application and the plat shall be forwarded by registered mail to all offset operators to the lease on which the well is to be drilled. (3-29-12)~~
- ~~03. Application Processing. Applications will be processed as described in Section 040 of these rules. ( )~~
- ~~04. Department Action. Upon receipt, the Department will hold the application for fifteen (15) days. If objection from any offset operator to the proposed intentional deviation is received within fifteen (15) days of receipt of the application by said operator, or if the Department is not in agreement with the proposed deviation, the application shall be set down for public hearing. If no objection from either an offset operator or the Department is interposed within the fifteen (15) day period, the application shall be approved and permit issued by the Department. If written consent of the offset operator(s) is filed concurrently with the application to drill directionally, the Department may immediately approve the application without waiting fifteen (15) days. (3-29-12)~~
- ~~05. Angular Deviation and Directional Survey. Upon completion, a complete angular deviation and directional survey of the well obtained by an approved well surveying company shall be filed with the Department, together with other regularly required reports when the well report is submitted. (3-29-12)( )~~
- ~~06. Application for Exceptions. In the event the proposed, or final, location of the producing interval of the directionally deviated well is not in agreement with spacing or other rules of the Commission applicable to the reservoir, proper applications shall be made to obtain approval of exceptions to such rules. Such approval shall be granted or denied at the discretion of the Department, and shall be accorded with the same consideration and treatment as if the well had been drilled vertically to the producing interval as described in Section 120 of these rules. (3-29-12)( )~~

331. -- 339. (RESERVED)

**340. WELL COMPLETION/RECOMPLETION REPORT AND WELL REPORT.**

Within thirty (30) days after the completion of a well drilled for oil or gas, or the recompletion of a well into a different source of supply, or where the producing interval is changed, a completion report shall be filed with the Department, on a form prescribed by the Department. Such report shall include name, number, and exact location of

the well; lease name, date of completion and date of first production, if any; name and depth of hydrocarbon reservoir(s); ~~if a multiple completion~~, from which well is producing; annulus pressure test; initial production test, including oil, gas, and water, if any; a well report as defined in Section 010; and such other relevant information as the Department may require. (3-29-12)( )

341. **DRILLING WELL LOGS.**

01. **Minimum Required Logs.** All wells shall have a lithologic mud log from the bottom of the hole to the top, to the extent practicable. (3-29-12)( )

02. **Bottom Hole Survey.** All wells shall have a bottom hole location survey. (3-29-12)

03. **Cement Bond Log.** All wells that are cased and cemented shall have a cement bond log run across the casing. When cement bond logs are inconclusive, the Department may require other integrity testing methods as described in Section 320. (3-29-12)( )

04. **Other Logs.** ~~If other logs are run, including, but not limited to, resistivity, gamma neutron log, sonic log, etc., then the owner or operator shall retain a copy regardless of results~~ The operator will run an open hole electrical, radioactivity, or other similar log, or combination of open hole logs, of the operator's choice. The operator will also run a gamma ray log from total depth to ground level elevation. The Director may waive or postpone the obligation to log in this Subsection if he determines the log is unnecessary or impractical. The Director can condition the waiver upon appropriate terms and conditions. (3-29-12)( )

05. **Log Submittal.** ~~The~~ Final processed versions of the above logs shall be submitted to the Department in paper and digital formats within thirty (30) days of the log being run. If logs were run in color, then the submitted copies shall also be in color. Digital formats must be Tiff and LAS 2.0 or higher. Logs submitted to the Department must have a scale of at least one (1) inch per one hundred (100) for correlation logs and five (5) inches per one hundred (100) feet for detail logs. ( )

06. **Other Records.** Operators must submit to the Department any copies of drill stem test reports and charts, formation water analyses, results of analyses for porosity and permeability, and non-interpretive lithologic logs or sample descriptions. ( )

07. **Cuttings and Sidewall Cores.** ( )

a. If cutting samples are taken during oil and gas drilling, then the operator will collect duplicate samples. The operator will wash and dry the duplicate samples, and package each sample in standard sample envelopes. These envelopes will be placed in order by depth in a corresponding standard sample box that is labeled with the same information required for the envelopes. The operator will send the box to the Department within thirty (30) days after drilling operations are complete. ( )

b. If sidewall core is taken, and if the operator in possession of the sidewall core intends to dispose of it, the operator will notify the Department at least sixty (60) days prior to disposal. The Department will then have the option of obtaining the sidewall core prior to disposal. ( )

08. **Whole Core.** If whole core is taken, and if the operator in possession of the core intends to dispose of it, the operator will notify the Department at least sixty (60) days prior to disposal. The Department will then have the option of obtaining the core prior to disposal. ( )

342. -- 399. (RESERVED)

SUBCHAPTER E - PRODUCTION

400. **PRODUCTION REPORTS.**

**01. Required Content.** An owner or operator must report production on a form created by the Department. Production reports submitted to the Department must include gas quantities sold in thousand cubic feet (mcf), condensate sold in barrel quantities (bbl), oil sold in barrel quantities (bbl), and formational waters produced in barrel quantities (bbl). (4-11-15)

**02. Frequency.** ~~Initial production reports must be submitted to the Department no later than the twenty-first (21st) day of the month following the sixth month after the beginning of production. After the initial production report, operators must report production monthly to the Department.~~ Monthly **production** reports must be submitted to the Department no later than ~~the twenty-first (21st) day of the following month. In the event the twenty-first (21st) day of the month falls on a non-business day, the report is due the next business day~~ **ninety (90) days following the month of production.** (4-11-15)( )

**03. Annual Production Report.** By ~~January 31~~ **April 1** of each year, an owner or operator must submit to the Department an aggregated report of all hydrocarbons and formational waters produced and sold or disposed of for each well during the previous calendar year. (4-11-15)( )

#### **401. MEASUREMENT OF OIL.**

The volume of production of oil shall be computed in terms of barrels of clean oil on the basis of meter measurements or tank measurements of oil-level difference made and recorded to the nearest quarter-inch (1/4") of one hundred percent (100%) capacity tables, subject to the following corrections: (10-21-92)

**01. Correction for Impurities.** The percentage of impurities (water, sand, and other foreign substances, not constituting a natural component part of the oil) shall be determined to the satisfaction of the Department, and the observed gross volume of oil shall be corrected to exclude the entire volume of such impurities. (3-29-12)

**02. Temperature Correction.** The observed volume of oil corrected for impurities shall be further corrected to the standard volume at sixty (60) Degrees F in accordance with ASTM D-1250-08, Tables ~~7~~, or any revisions thereof and any supplements thereto, or any close approximation thereof approved by the Department. (3-29-12)( )

**03. Gravity Determination.** The gravity of oil at sixty (60) degrees F shall be determined in accordance with ASTM D-1250-08, Tables ~~5~~, or any revisions thereof and any supplements thereto approved by the Department. (3-29-12)( )

### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **403. GAS-OIL RATIO FOR WELL CLASSIFICATIONS.**

In the absence of an order by the Commission setting a field-specific oil-gas ratio, a well that produces gas of ~~five~~ **ten** thousand (~~5~~**10**,000) cubic feet or greater to one (1) bbl of oil at standard temperature and pressure will be classified as a gas well. (4-11-15)( )

#### **404. GAS-OIL RATIO LIMITATION.**

**01. Waste Prevention; Conditions for Emergency Order.** To further prevent waste resulting from the production of wells with inefficient gas-oil ratios, the Department may enter an emergency order temporarily prohibiting the production of oil or gas from all wells in a pool producing both oil and gas when the Department believes that waste may be occurring or is imminent in said pool by reason of the operation of wells with inefficient gas-oil ratios. The **emergency** order shall ~~specify a date for the hearing described~~ **be in effect until a final order can be processed as described** in Subsection 404.02 of these rules. The Department may use information provided by an offset operator or an owner or operator in a common source of supply to determine if waste is occurring. (4-11-15)( )

**02. ~~Notice and Cause for Hearing~~Final Orders.** **A final order regarding inefficient oil and gas ratios will be processed as described in Idaho Code § 47-324.** The Department will ~~notify~~ **consider** all offset operators and

owners or operators in the common source of supply ~~of the hearing date~~ as interested parties in Idaho Code § 47-324(b). ~~A hearing~~ An order regarding waste due to inefficient gas-oil ratios ~~will held~~ is required for any of the following reasons: (3-29-12)( )

i. If an emergency order is issued as described in Subsection 404.01 of these rules. ~~The hearing will be scheduled between five (5) and fifteen (15) days after the effective date of the order.~~ (4-11-15)( )

ii. Upon application to the Department from any person with an ownership interest in the common source of supply who believes that waste is occurring due to inefficient oil and gas ratios. The application must include credible evidence of such waste. ~~The hearing shall be held within thirty (30) days of the Department receiving the application.~~ (3-29-12)( )

iii. Prior to an emergency situation and upon its own motion with reasonable cause, the Department may ~~schedule a hearing~~ request an order regarding potential waste due to inefficient gas-oil ratios. (3-29-12)( )

**03. Determination of Inefficient Ratios; Power to Limit Production.** If the Department ~~after notice and hearing, whether held upon its own motion, upon the application of an interested party, or pursuant to an emergency order entered as hereinafter provided for, shall find~~ determines that a well(s) in the pool ~~are~~ operating with inefficient gas-oil ratios, and that waste is occurring or is imminent as a result thereof, it shall enter an order limiting the production of oil and gas from said pool. ~~The production will be limited~~ to that amount which the pool can produce without waste and in accordance with sound engineering practice. The order shall also limit the amount of oil or gas, or both, that may be produced from any well in the pool, so that each owner or operator is given an opportunity to produce his just and equitable share in the pool in accordance with sound engineering practice. (3-29-12)( )

(BREAK IN CONTINUITY OF SECTIONS)

**410. METERS.**

**01. General Requirements.** Meter fittings of adequate size to measure the gas efficiently for the purpose of obtaining gas-oil ratios shall be installed on the gas vent line of every separator or proper connections made for orifice well tester. Well-head equipment shall be installed and maintained in excellent condition. Valves shall be installed so that pressures can be readily obtained on both casing and tubing. (3-29-12)

**02. Meter Calibration.** All required meters ~~shall~~ must be calibrated ~~by an independent third party~~ at least ~~once per~~ quarterly in each calendar year. The records of such calibration ~~shall~~ must be maintained ~~or made available~~ by the owner or operator of the well and ~~shall~~ copies must be ~~available for inspection by~~ submitted to the Department. Such records shall be maintained by the owner or operator for ~~a period of~~ at least five (5) years. (3-29-12)( )

**03. Visibility.** All required meters shall be accessible and viewable by the Department for the purpose of monitoring daily, monthly and/or cumulative production volumes from individual wells. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

**420. TANK BATTERIES.**

Tank batteries must meet the following requirements. (4-11-15)

**01. Location of Tank Batteries.** No tank batteries may be constructed within three hundred (300) feet of existing occupied structures, water wells, canal, ditches, the natural or ordinary high water mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the tank dike. ~~The owner of a water well or existing occupied structure may provide express written permission to construct a tank battery closer than three hundred (300) feet, but in no event may a tank battery be constructed within one hundred (100) feet of a water well or existing occupied structure.~~ The following exceptions may apply: (4-11-15)( )

a. The owner of a water well or existing occupied structure may provide express written permission to construct a tank battery closer than three hundred (300) feet, but in no event may a tank battery be constructed within one hundred (100) feet of these features. ( )

b. The owner of a canal, ditch, or surface water may provide express written permission to construct a tank battery closer than three hundred (300) feet, and the Department may approve this location upon the operator showing good cause, but in no event may a tank battery be constructed within one hundred (100) feet of these features. ( )

**02. Containment Requirements.** All tank batteries consisting of tanks containing produced fluids or crude oil storage tanks or containing tanks equipped to receive produced fluids must be surrounded by tank dikes that meet the following requirements: (4-11-15)

**a.** Tank dikes must be designed to have a capacity of at least one and one-half (1½) times the volume of the largest tank which the dike surrounds. (4-11-15)

**b.** The material used to construct a tank dike and the material used to line the bottom and sides of the containment reservoir must have a maximum coefficient of permeability of  $10^{-9}$  cm/sec so as to contain fluids and resist erosion. An operator must submit proof of compliance for tank dike liner construction to the Department in the form of a manufacturer's statement of design or a nuclear density test performed by a third party trained to perform the test. (4-11-15)

**c.** All piping and manmade improvements that perforate the tank dike wall or tank battery floor must be sealed to a minimum radius of twelve (12) inches from the outside edge of the piping or improvement. (4-11-15)

**d.** Valves and quick-connect couplers on tank batteries must be at least eighteen (18) inches from the inside wall of the tank dike unless adequate catchment guards are installed and maintained to catch incidental spillage. (4-11-15) ( )

**e.** Vegetation on the top and outside surface of tank dike must be properly maintained so as to not pose a fire hazard. (4-11-15)

**f.** A ladder or other permanent device must be installed over the tank dike to access the containment reservoir. (4-11-15)

**g.** The containment reservoir must be kept free of vegetation, stormwater, produced fluids, other oil and gas field related debris, general trash, or any flammable material. Drain lines installed through the tank dike for the purpose of draining storm water from the containment reservoir must have a valve installed which must remain closed and capped when not in use. Any fluids collected, spilled or discharged within the containment reservoirs must be removed as soon as practical, characterized, treated if necessary, and disposed in conformance with IDAPA 58.01.16, "Wastewater Rules," and other applicable rules. (4-11-15)

**421. -- 429. (RESERVED)**

**430. GAS PROCESSING FACILITIES.** Gas processing facilities must meet the following requirements. (4-11-15)

**01. Location of Gas Processing Facilities.** No gas processing facility may be constructed within three hundred (300) feet of existing occupied structures, water wells, canals and ditches, the natural or ordinary high water mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the gas processing facility. ~~The owner of a water well or existing occupied structure may provide express written permission to construct a gas processing facility closer than three hundred (300) feet, but in no event may a gas processing facility be constructed within one hundred (100) feet of a water well or existing occupied structure.~~ The following exceptions may apply: (4-11-15) ( )

a. The owner of a water well or existing occupied structure may provide express written permission to

construct a gas processing facility closer than three hundred (300) feet, but in no event may a gas processing facility be constructed within one hundred (100) feet of these features. ( )

b. The owner of a canal, ditch, or surface water may provide express written permission to construct a gas processing facility closer than three hundred (300) feet, and the Department may approve this location upon the operator showing good cause, but in no event may a gas processing facility be constructed within one hundred (100) feet of these features. ( )

**02. Operations.** Operators of gas processing facilities must notify the Department which wells, by API number, are served by a gas processing facility. All gas processing facilities not constructed on a well site must comply with the requirements in Sections 301 and 302 of these rules. (4-11-15)

**03. Meters and Facility Plans.** Gas processing facilities must account for all liquids and gas entering and leaving the facility with accurate meters. A supervisory control and data acquisition systems or other data recording system must be used to monitor the liquids and gas in the facility. Operators of gas processing facilities must submit an as-built facility design plan to the Department upon completion of the facility, a facility design plan must contain at the minimum: (4-11-15)

a. Site layout; (4-11-15)

b. Piping and instrumentation diagram; (4-11-15)

c. Process Flow schematics; (4-11-15)

d. Electronic controls and sensing schematic; (4-11-15)

~~e. Equipment operations and maintenance manuals for pumps, meters, heat exchangers and any other operationally critical equipment that requires periodic maintenance and calibration;~~ (4-11-15)

~~f. Periodic maintenance schedule for critical equipment;~~ (4-11-15)

~~g. Troubleshooting metric; and~~ (4-11-15)

~~h.~~ Other information or documentation necessary for the safe and continued operation of a gas processing facility. (4-11-15)

**04. Operational Details.** The operator must also provide the Department access to the following documentation upon request: ( )

a. Equipment operations and maintenance manuals for pumps, meters, heat exchangers and any other operationally critical equipment that requires periodic maintenance and calibration; ( )

b. Periodic maintenance schedule for critical equipment; and ( )

c. Troubleshooting metric. ( )

**045. Flaring.** Flaring at gas processing facilities must be in conformance with IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho, and any permit issued by the IDEQ. (4-11-15)

**056. Inspections.** Gas processing facilities must have site specific facility design plans and a log book of gas metered in and out of the facility available for review by Department staff during the inspections of gas processing facilities. During inspections, gas process facility staff must demonstrate knowledge of all operations and the location of all emergency shut off equipment, direction of flow lines, and heat exchangers. ~~The Department will conduct quarterly inspections of facilities.~~ (4-11-15)( )

**067. Reports.** A quarterly report must be submitted to the Department accounting for receipt, processing, and disposition of all gas by the gas processing facility within the reporting period. The report is due to



the Department ~~by the twenty-first (21st)~~ ninety (90) days following the end of the reporting period. ~~(4-11-15)~~( )

431. -- 499. (RESERVED)

## SUBCHAPTER F - WELL ACTIVITY AND RECLAMATION

### 500. ACTIVE WELLS.

**01. Gas Storage Wells.** Gas storage wells are to be considered active at all times unless physically plugged. (3-29-12)

**02. Extension of Active Status.** An owner or operator may request an extension of active well status for wells that are idled for more than twenty-four (24) continuous months. The owner or operator shall provide a written request to the Department stating the reason for the extension, the length of extension, the method used to close the well to the atmosphere, and the plans for future operation. The Department shall review the request for approval, modification, or denial, and shall set the duration of the extension if approved. An extension shall not exceed five (5) years and may be renewed upon request. (3-29-12)

**03. Annual Reports for Active Wells.** The owner or operator shall submit an annual report to the Department describing the current status of the well and the plans for future well operation by January 31 of each year. Failure to submit the annual report may result in the Department declaring the well inactive. (4-11-15)

**04. Biannual Reporting.** All wells will be tested at least biannually for daily production potential. Test results will be entered on a Department form and submitted to the Department within thirty (30) days of the test. These test results must include the following: ( )

**a. A daily steady flow report of oil, gas, and water production if available;** ( )

**b. Choke size and tubing pressures. Both flowing and shut in pressures will be provided if available;**  
and ( )

**c. Interim bottom-hole pressure surveys if available.** ( )

## (BREAK IN CONTINUITY OF SECTIONS)

### 502. WELL PLUGGING.

**01. Plugging Required.** The operator or owner shall not permit any well drilled for oil, gas, saltwater disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled or converted. If plugging will occur within one (1) year of the permit issuance for the well, then an additional application and fee as per this section of the rules is not needed. ~~(10-21-92)~~( )

**02. ~~Notice of Intention to Abandon Well~~Application Required.** ~~Before~~ An operator must file an application and the Department must approve a permit before beginning abandonment work on an oil or gas well, ~~a Notice of Intention to Abandon shall be filed with the Department and approval obtained as to the method of abandonment before the work is started. The notice must show the reason for abandonment and must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, and removing casing as well as any other pertinent information that was approved by the Department more than a year prior to the abandonment. Applications will be processed as described in Section 040 of these rules.~~ (3-29-12)( )

**03. Application Contents.** Applications must contain the following: ( )



- a. The reason for abandonment: ( )
- b. A detailed statement of the proposed work, including: ( )
  - i. Kind, location, and length of plugs by depths: ( )
  - ii. Plans for mudding, cementing, shooting, testing, and removing casing: ( )
  - iii. Any other information which may be required by the Department based on site specific reasons. ( )
- c. An application fee as described in Idaho Code § 47-320. ( )

**034.** **Plugging Dry Holes.** If a nonproductive well, or dry hole, is drilled and not needed for any specific purpose, it must be plugged and abandoned prior to removal of the drill rig. A verbal notification and approval may be used for dry holes in lieu of the ~~written notification~~ **plugging permit** referenced in Subsection 502.02 of these rules. The standards in Subsections 502.04 through 502.06 of these rules will still apply. (4-11-15)( )

**045.** **Plugging of Wells.** The owner or operator of any well drilled for oil or gas, or any seismic, core, or other exploratory holes, whether cased or uncased, and regardless of diameter shall be responsible for the plugging of said hole in a manner sufficient to properly protect all freshwater-bearing and possible or probable oil- or gas-bearing formations. The material used in plugging, whether cement, mechanical plug, or some other equivalent method approved in writing by the Director, must be placed in the well in a manner to permanently prevent migration of oil, gas, water, or other substance from the formation or horizon in which it originally occurred. The preferred plugging cement slurry is that recommended in API Bulletin E3. Pozzolan, gel, and other approved extenders may be used if the owner or operator can document to the Department's satisfaction that the slurry design will achieve a minimum compressive strength of three hundred (300) psi after twenty-four (24) hours, and eight hundred (800) psi after seventy-two (72) hours measured at ninety-five (95) degrees F and at eight hundred (800) psi. No substances of any nature or description other than those normally used in plugging operations shall be placed in any well at any time during plugging operations. (3-29-12)

**056.** **Plugged Intervals.** The following plugging standards shall be followed for all wells: (3-29-12)

a. Cement must be placed for a length of at least one hundred (100) feet on either side of each casing shoe, or casing bottom if no shoe is present. If the bottom of the hole is less than one hundred (100) feet from the bottom of the lowest casing, then the entire length of the uncased hole below the casing will be cemented. (3-29-12)

b. In the uncased portions of a well, cement plugs must be placed to extend from one hundred (100) feet below the bottom up to one hundred (100) feet above the top of any oil, gas, and abnormally high pressure zones, so as to isolate fluids in the strata in which they are found and to prevent them from escaping into other strata. (3-29-12)

c. A cement plug shall be placed a minimum of one hundred (100) feet above all producing zones in uncased portions of a well. (3-29-12)

d. A cement plug shall be placed a minimum of fifty (50) feet above and below the following intervals: (3-29-12)

i. Where the casing is perforated or ruptured. If no cement is present behind the casing, then cement must also be squeezed out the perforations or ruptures and into the annular space between the casing and the borehole. (3-29-12)

ii. Top and bottom of fresh water zones. If fresh water zone is less than one hundred (100) feet thick, then continuous cement must be placed from fifty (50) feet below the zone upward to fifty (50) feet above the zone. (3-29-12)

e. The top of all cement plugs will be tagged to verify their depth. (3-29-12)

- f. The owner or operator shall have the option as to the method of placing cement in the hole by: (3-29-12)
- i. Dump bailer; (3-29-12)
- ii. Pumping a balanced cement plug through tubing or drill pipe; (3-29-12)
- iii. Pump and plug; or (3-29-12)
- iv. Equivalent method approved by the Director prior to plugging. (3-29-12)
- g. Unless prior approval is given, all wellbores shall have water based drilling muds, high viscosity pills, or other approved fluids between all plugs. (3-29-12)

h. All abandoned wells shall have a plug or seal placed at the surface of the ground or the bottom of the cellar in the hole in such manner as not to interfere with soil cultivation or other surface use. The top of the pipe must be sealed with either a cement plug and a screw cap, or cement plug and a steel plate welded in place or by other approved method, or in the alternative be marked with a permanent monument which shall consist of a piece of pipe not less than four (4) inches in diameter and not less than ten (10) feet in length, of which four (4) feet shall be above the general ground level, the remainder to be embedded in cement or to be welded to the surface casing. (3-29-12)

**067. Subsequent Report of Abandonment.** If a well is plugged or abandoned, a subsequent record of work done must be filed with the Department. This report shall be filed separately within thirty (30) days after the work is done. The report shall give a detailed account of the manner in which the abandonment of plugging work was carried out, including the weight of mud, the nature and quantities of materials used in plugging, the location and extent (by depths) of the plugs of different materials, and the records of any tests or measurements made and of the amount, size, and location (by depths) of casing left in the well. If an attempt was made to part any casing, a complete report of the method used and the results obtained must be included. (3-29-12)

**078. Wells Used for Fresh Water (Cold Water < 85 degrees Fahrenheit), Low Temperature Geothermal (85 - 212 Degrees Fahrenheit) or Geothermal Wells (>212 Degrees Fahrenheit).** (3-29-12)

a. Oil and gas wells, seismic, core or other exploratory holes no longer being used for their original purpose may not be converted into fresh water, low temperature geothermal, or geothermal wells unless the following actions occur: (3-29-12)

i. Owner, operator, or surface owner files an application with the IDWR describing the conversion and the proposed use for the water or geothermal resource and any modifications necessary to meet the applicable well construction standards; (3-29-12)

ii. The surface owner provides written documentation assuming responsibility for the converted well including, should it become necessary, decommissioning (plugging) of the converted well in accordance with applicable law; (3-29-12)

iii. IDWR issues a permit for a geothermal resource well, a water right, or recognizes a domestic exemption authorizing the withdrawal of water from the converted well; and (3-29-12)

iv. A licensed driller in Idaho inspects and certifies that the converted well meets all well construction standards for its intended purpose. (3-29-12)

b. The Department's bond may not be released, and the oil and gas permit canceled, until all requirements in Paragraph 502.078.a. of these rules are met. (4-11-15)( )

**503. -- 509. (RESERVED)**

**510. SURFACE RECLAMATION.**

**01. Timing of Reclamation.** After the plugging and abandonment of a well or closure of other oil and gas facilities, all reclamation work described in this Section shall be completed within twelve (12) months. The Director may grant an extension where unusual circumstances are encountered, but every reasonable effort shall be made to complete reclamation before the next local growing season. Drill pads constructed prior to drill permit approval are subject to the reclamation requirements of this Section. (3-29-12)( )

**02. General Clean Up.** All debris, abandoned gathering line risers and flowline risers, surface equipment, supplies, rubbish, and other waste materials shall be removed within three (3) months of plugging a well. The burning or burial of such material on the premises shall be performed in accordance with applicable local, state, or federal solid waste disposal and air quality regulations. In addition, material may be burned or buried on the premises only with the prior written consent of the surface owner. (3-29-12)

**03. Road Removal.** All access roads to plugged and abandoned wells and associated production facilities shall be ripped, regraded, and recontoured unless otherwise specified in a surface use agreement. Culverts and any other obstructions that were part of the access road(s) shall be removed. Roads to be left will be graded to drain and prepared with rolling dips or other best management practices to minimize erosion. (3-29-12)

**04. Regrading.** Drill pads, pits, berms, cut and fill slopes, and other disturbed areas will be regraded to approximate the original contour. Where possible, slopes should be reduced to three (3) horizontal feet to one (1) vertical foot (3H:1V) or flatter. (3-29-12)

**05. Compacted Areas.** All areas compacted by drilling and subsequent oil and gas operations that are no longer needed following completion of such operations shall be cross-ripped. Ripping shall be undertaken to a depth of eighteen (18) inches or bedrock, whichever is reached first. (3-29-12)

**06. Topsoiling.** Stockpiled topsoil shall be replaced in a manner that will support reestablishment of the pre-disturbance land use and contoured to control erosion and provide long-term stability. If necessary, topsoiled areas shall be tilled adequately in order to establish a proper seedbed. (3-29-12)

**07. Revegetation.** (3-29-12)

**a.** The owner or operator shall select and establish plant species that can be expected to result in vegetation comparable to that growing on the affected lands prior to the oil and gas operations. Certified weed free seed should be used in revegetation. The owner or operator may use available technical data and results of field tests for selecting seeding practices and soil amendments that will result in viable revegetation. (3-29-12)

**b.** The disturbed areas shall be reseeded in the first favorable season following rig demobilization, site regrading, and topsoil replacement. (3-29-12)

**c.** Unless otherwise specified in the approved permit, the success of revegetation efforts shall be measured against the existing vegetation on site prior to the oil and gas operations, or against an adjacent reference area supporting similar types of vegetation. Reseeding or replanting is required until the following cover standards are met: (3-29-12)

**i.** The ground cover of living plants on the revegetated area should be comparable to the ground cover of living plants on an adjacent reference area for two (2) full growing seasons after cessation of soil amendment or irrigation, if used; (3-29-12)

**ii.** Ground cover shall be considered comparable if the planted area has at least seventy percent (70%) of the pre-disturbance, or adjacent reference area, ground cover; (3-29-12)

**iii.** For locations with an average annual precipitation of more than twenty-six (26) inches, the Department, in approving a drilling permit or a pit, may set a minimum standard for success of revegetation as follows: Vegetative cover of seventy percent (70%) for two (2) full growing seasons in areas planted to herbaceous species only; or fifty percent (50%) vegetative cover for two (2) full growing seasons and six hundred (600) woody plants per acre in areas planted to a mixture of herbaceous and woody species; (3-29-12)

iv. As used in this section, “herbaceous species” means grasses, legumes, and other forbs; “woody plants” means woody shrubs, trees, and vines; and “ground cover” means the area of the ground surface covered by the combined aerial parts of vegetation and the litter that is produced naturally on-site, expressed as a percentage of the total area measured. Rock surface areas will be excluded from this calculation; and (3-29-12)

v. In all cases, vegetative cover shall be established to the extent necessary to control erosion. (3-29-12)

d. Introduced species may be planted if they are known to be comparable to previous vegetation, or if known to be of equal or superior use for the approved post-reclamation land use, or, if necessary, to achieve a quick, temporary cover for soil stabilization purposes. Species classified as poisonous or noxious weed species shall not be used in revegetation. (3-29-12)

e. By mutual agreement of the Department, the surface owner, and the owner or operator, a site may be converted to a different, more desirable or more economically suitable habitat. (3-29-12)

f. Planting of grasses and forbs should be done in a manner which promotes rapid stabilization of the soil surface. Wherever terrain permits, grasses and forbs should be drilled or compacted into the ground using agricultural grass planting equipment or other seeders specifically designed for revegetation applications. Broadcast and hydroseeding may be used on areas where other methods are impractical or unavailable. (3-29-12)

g. The owner or operator should plant shrubs or shrub seed, as required, where shrub communities existed prior to oil and gas operations. Shrub seed may be planted as a portion of a grass seed mix or planted as bare-root transplants after grass seeding. Where the surface owner desires a specific land use such as grazing or cropland, shrubs will not be required in the revegetation species mix. Shrub lands undergoing revegetation with shrubs shall be protected from erosion by vegetation, chemical binders, or other acceptable means during establishment of the shrubs. (3-29-12)

h. Tree stocking of forestlands should meet the following criteria: (3-29-12)

i. Trees that are adapted to the site should be planted in a density which can be expected over time to yield a timber stand comparable to pre-disturbance timber stands; (3-29-12)

ii. Trees shall be established for two (2) full growing seasons after cessation of any soil amendments and irrigation before they are considered to be established; and (3-29-12)

iii. Forestlands undergoing revegetation with trees should be protected from erosion by vegetation, chemical binders, or other acceptable means during seedling establishment. (3-29-12)

i. Revegetation is not required on areas that the surface owner wishes to incorporate into an irrigated field and any roads which will be used for other oil and gas operations. (3-29-12)

j. Mulch should be used on severe sites and may be required by the permit where slopes are steeper than three (3) horizontal feet to one (1) vertical foot (3H:1V) or the mean annual rainfall is less than twelve (12) inches. When used, straw, or hay mulch should be obtained from certified weed free sources. “Mulch” means vegetation residues or other suitable materials to aid in the stabilization of soil and soil moisture conservation which will provide a micro-climate more suitable for germination and growth on severe sites. Annual grains such as rye, oats, and wheat may be used as a substitute for mulch where they will provide adequate protection and will be replaced by permanent species within a reasonable length of time. (3-29-12)

**08. Reclamation Under a Surface Use Agreement.** Notwithstanding the requirements of Subsections 510.03 through 510.07 of this rule, reclamation may be superseded by the conditions of a surface use agreement as long as the site is left in a stable, non-eroding condition that will not impact fresh waters. (4-11-15)

**511. -- 999. (RESERVED)**

## IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION

### 26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 2, 2016 Idaho Administrative Bulletin, [Vol. 16-11, pages 29 – 33](#).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Keith Hobbs, (208) 514-2450.

DATED this December 6, 2016.

Keith Hobbs, Operations Administrator  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue  
PO Box 83720  
Boise, ID 83720-0065  
Phone: (208) 514-2450  
Fax: (208) 334-5232

#### THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking has been scheduled and will be held by the Department. Participation in this public hearing will be available as follows:

- Attend the scheduled public hearing on November 21, 2016 at the address and time posted below to provide verbal comment, as well as via telephone during this same time.

**Monday, November 21, 2016 – 6:00 to 7:00 PM (MST)**

**Idaho Department of Parks & Recreation**  
**5657 Warm Springs Avenue**  
**Boise, ID 83716**

**via telephone during this established public hearing time**

**(208) 514-2259**  
**Port Line: 7414**

- Provide written comment by November 21, 2016, by mailing to the P.O. Box address posted at the end of this notice.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Parks and Recreation proposes changes to IDAPA 26, Title 1, Chapter 20, Section 010.05(a) to increase the maximum capacity of motorcycles permitted on Idaho State Park campsites from two (2) to four (4).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, page 181](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Keith Hobbs, (208) 514-2450.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 23, 2016.

DATED this 17th day of October, 2016.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 26-0120-1601**

**010. DEFINITIONS.**

As used in this chapter: (1-1-94)

**01. ADA Campsites and Facilities.** (3-30-06)

**a.** ADA Designated Campsites. Campsites that have been designated and built to meet ADA accessibility requirements. These campsites are not managed exclusively for ADA use. (3-27-13)

**b.** ADA Accessible Facilities. IDPR offers some facilities that provide for ADA accessibility. These facilities are not managed exclusively for ADA use. (3-30-06)

**02. Annual Motor Vehicle Entrance Fee.** A sticker that allows a single motor vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)

**a.** The Annual Motor Vehicle Entrance Fee sticker expires December 31 of the year issued. (3-27-13)

**b.** The Annual Motor Vehicle Entrance Fee sticker may be purchased at any Idaho State Park, the Idaho Department of Parks and Recreation central or regional offices, or online. (3-27-13)

**c.** Automobiles, Trucks, Motorhomes. The sticker must be permanently affixed on the lower corner of the driver's side windshield. (3-27-13)

**d.** All-Terrain Vehicles (ATVs), Utility Type Vehicles (UTVs), Speciality Off-Highway Vehicles (SOHVs). The sticker must be permanently affixed on the rear fender. (3-27-13)

**e.** Motorbikes. The sticker must be permanently affixed on the rider's right fork. (3-27-13)

**f.** Snowmobiles. The sticker must be permanently affixed to the right side of the cowling located just below the hood, to the right of the validation sticker. It must be visible and legible at all times. (4-11-15)

**03. Annual Motor Vehicle Entrance Fee Replacement.** Replacement due to a motor vehicle sale or damage to an existing annual motor vehicle entrance fee sticker. (3-27-13)

**a.** The applicant must apply at any Idaho State Park, at the Idaho Department of Parks and Recreation central or regional offices, or online for replacement sticker. (3-27-13)

**b.** Proof of purchase must be established. (3-27-13)

**c.** Display and placement of the replacement sticker will comply with Subsections 010.02.c. through 010.02.f. of this Chapter. (3-27-13)

**04. Board.** The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)

**05. Camping Unit.** A camping unit is the combined equipment and people capacity that a site or facility will accommodate. (3-30-06)

**a.** Campsites. Maximum capacity limits on each campsite are subject to each site's design and size.



Unless otherwise specified, and provided the combined equipment and people fit within the designated camping area of the site selected, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) tents and two (2) motor vehicles, ~~or~~ No more than one (1) RV or may occupy a site, ~~Two (2) motorcycles, and up to two (2) tents, provided the combined equipment and people fit within the designated camping area of the site selected~~ are the equivalent of one (1) motor vehicle when determining campsite capacity. Each motorcycle will be subject to the MVEF. (4-4-13)( )

**b.** Facilities. Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected. (3-30-06)

**06. Camping Day.** (3-30-06)

**a.** For individual and group campsites the period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. (3-30-06)

**b.** For individual and group camping facilities, the period between 3 p.m. of one (1) calendar day and 12 noon of the following calendar day. (3-30-06)

**07. Campsite.** (3-30-06)

**a.** Individual. An area within an IDPR managed campground designated for camping use by an individual camping unit or camping party. (3-30-06)

**b.** Group. An area within an IDPR managed campground designated for group camping use or a block of individual campsites designated for group use within a campground primarily managed for individual use. (3-30-06)

**c.** Facility, Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party. (3-30-06)

**d.** Facility, Group. A camping structure within an IDPR managed campground or area designated for group use. (3-30-06)

**08. Day Use.** Use of any non-camping lands and/or facilities between the hours of 7 a.m. and 10 p.m. unless otherwise posted. (3-30-06)

**09. Department.** The Idaho Department of Parks and Recreation. (1-1-94)

**10. Designated Beach.** Waterfront areas designated by the park manager or designee for water-based recreation activities. The length and width of each designated beach shall be visibly identified with signs. (3-30-06)

**11. Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)

**12. Director.** The Director and chief administrator of the Department, or the designee of the Director. (1-1-94)

**13. Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the Department. (3-13-97)

**14. Encroachments.** Non-recreational uses of lands under the control of the Board including any utilization for personal, commercial, or governmental use by a non-Department entity. (4-4-13)

**15. Extra Vehicle.** An additional motor vehicle without built in sleeping accommodations registered to a camp site. (3-27-13)

- 16. Facilities.** (3-30-06)
- a.** Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party. (3-30-06)
- b.** Group. A camping structure within an IDPR managed campground or area designated for group use. (3-30-06)
- 17. Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal Department rules or activities. (1-1-94)
- 18. Idaho State Parks Passport.** A sticker, purchased from any county Department of Motor Vehicles' office in the state of Idaho, that matches a particular motor vehicle license number and expiration date, allowing that vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)
- a.** Idaho State Parks Passport sticker expires concurrent with the expiration of that vehicle's registration. (3-27-13)
- b.** Display and placement of the Idaho State Parks Passport will comply with Subsections 010.02.c. through 010.02.f. of this rule. (3-27-13)
- 19. Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (3-27-13)
- a.** The applicant must apply in person to their county Department of Motor Vehicles' office for this replacement sticker. (3-27-13)
- b.** Display and placement of the replacement sticker will comply with Subsections 010.02.c. through 010.02.f. of this rule. (3-27-13)
- 20. Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power and motorized wheelchairs. (3-27-13)
- 21. Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. Day use expires at 10 p.m. on date of purchase or as posted; overnight camping use expires upon checkout which is 1 p.m. for a campsite and 12 noon for a facility. (3-27-13)
- 22. Overnight Use.** Use of any non-camping lands for the parking of motor vehicles or trailers not associated with a campsite between the hours of 10 p.m. and 7 a.m. unless otherwise posted. (4-4-13)
- 23. Overnight Use Fee.** A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m. (4-4-13)
- 24. Park or Program Manager.** The person, designated by the Director, responsible for administering and supervising particular lands, facilities, and staff that are under the jurisdiction of the Department. (3-7-03)
- 25. Recreational Vehicle (RV).** A "recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motorhome. It does not include pickup hoods, shells, or canopies designed, created, or modified for occupational use. (Section 39, Idaho Code) (3-27-13)
- 26. Standard Amenities.** Campsite with no serviced amenities. (3-30-06)
- 27. Serviced Amenities.** Serviced campsite amenities includes water, electricity, or sewer. (3-30-06)
- 28. Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)

**29. Vessel.** Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in Section 67-7003(22), Idaho Code. (3-7-03)

**30. Vessel Length.** The distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment. (3-13-97)

## **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES**

**DOCKET NO. 58-0103-1501**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule will become final and effective on July 1, 2017 unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, January 6, 2016, [Vol. 16-1, pages 200 through 207](#). After consideration of public comments, the rule has been revised at Sections 006 and 009. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at [www.deq.idaho.gov/58-0103-1501](http://www.deq.idaho.gov/58-0103-1501) or by contacting the undersigned.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule regulates an activity not regulated by the federal government. Chapters 1 and 36, Title 39, Idaho Code, grant authority to the Board to adopt rules and standards to protect the environment and health of the state of Idaho for the installation of cottage site sewage treatment facilities and for the issuance of pollution source permits.

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Tyler Fortunati at [tyler.fortunati@deq.idaho.gov](mailto:tyler.fortunati@deq.idaho.gov) or (208) 373-0140.

Dated this 1st Day of June, 2016.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208) 373-0418  
Fax No. (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before January 20, 2016. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** This rulemaking has been initiated to create an effective and useful means of approving and overseeing service providers for DEQ and the health districts and will expand choices of service for private property owners.

Complex alternative septic systems are engineered and/or manufactured systems and products that contain many different mechanical components to achieve secondary wastewater treatment. Without complex alternative septic systems, an individual property owner's options for subsurface sewage disposal system installation may be extremely limited in many environmentally sensitive areas. It is important that complex alternative septic systems undergo a minimum of annual operation, maintenance, and monitoring by a qualified service technician that is familiar with the technology to ensure system functionality and efficacy. Without the proper operation, maintenance, and monitoring, these wastewater treatment systems do not achieve their designed treatment levels prior to discharge. Improper wastewater treatment prior to discharge to the subsurface may result in degradation of Idaho's ground water resources where these systems are located.

Currently, DEQ's ability to approve qualified service technicians and ensure that they have baseline knowledge of the technology that they are servicing is limited because there are no state requirements supported by rule for the minimum qualifications, responsibilities, and approval of service providers for complex alternative treatment systems. DEQ is currently limited to approving service providers through guidance and has found that manufacturers of the treatment technology are limiting the number of service providers they are willing to train. The limited training of service providers by manufacturers under DEQ's current guidance system has resulted in a limited number of service providers who can conduct routine operation, maintenance and repair for private property owners.

Several private property owners have requested via public comment that DEQ develop an approval process for service providers that allows the property owner to have a larger base of service providers from which to choose. The private property owners also hope that an unlimited service provider system would help foster healthy and open competition for their business, resulting in better service and effective cost control for the provider's services. DEQ also received recommendation from its Technical Guidance Committee for Individual and Subsurface Alternative Sewage Disposal, authorized by IDAPA 58.01.03.004.07, to pursue a service provider based operation, maintenance, and monitoring model for complex alternative treatment units for septic systems during the committee's March and May 2015 meetings. The Idaho Attorney General's Office has advised that approval and oversight of service providers should be done under authorized agency rule.

DEQ is responding to the desires of the private property owners that have complex alternative treatment systems installed on their property and the Technical Guidance Committee for Individual and Subsurface Alternative Sewage Disposal by pursuing an amendment to IDAPA 58.01.03.006. The amendment to IDAPA 58.01.03.006 will allow DEQ to authorize individuals to be service providers for complex alternative treatment systems through the issuance of a complex installer's registration permit with a service provider certification. The rule amendment creates minimum application contents and responsibilities that service providers would have to meet.

Idahoans who own or purchase property that necessitates the installation of a complex alternative subsurface sewage disposal system and permitted installers may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the spring of 2016 for adoption of a pending rule. The rule is expected to be final and effective on July 1, 2017 if adopted by the Board and approved by the Legislature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

**NEGOTIATED RULEMAKING:** The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code § 67-5220 and IDAPA 58.01.23.810-815. The Notice of Negotiated Rulemaking was published in the October 2015 Idaho Administrative Bulletin, **Vol. 15-10, pages 681-682**, and a preliminary draft rule was made available for public review. A meeting was held on October 22, 2015. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary is available at [www.deq.idaho.gov/58-0103-1501](http://www.deq.idaho.gov/58-0103-1501).

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions that resulted in drafting the proposed rule. At the conclusion of the negotiated rulemaking process, DEQ formatted the final rule draft for publication as a proposed rule. DEQ is now seeking public comment on the proposed rule.

**IDAHO CODE SECTION 39-107D STATEMENT:** The standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this rulemaking, contact Tyler Fortunati at [tyler.fortunati@deq.idaho.gov](mailto:tyler.fortunati@deq.idaho.gov) or (208)373-0140.

Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before February 3, 2016.

DATED this 6th day of January, 2016.

#### **LSO Rules Analysis Memo**

**Italicized red text that is double underscored is new text that has been added to the pending rule.**

#### **THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0103-1501**

#### **003. DEFINITIONS.**

For the purposes of these rules, the following definitions apply.

(5-7-93)

**01. Abandoned System.** A system which has ceased to receive blackwaste or wastewater due to

diversion of those wastes to another treatment system or due to termination of waste flow. (10-1-90)

**02. Alternative System.** Any system for which the Department has issued design guidelines or which the Director judges to be a simple modification of a standard system. (10-1-90)

**03. Authorized or Approved.** The state of being sanctioned or acceptable to the Director as stated in a written document. (10-1-90)

**04. Blackwaste.** Human body waste, specifically excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (10-1-90)

**05. Blackwater.** A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (10-1-90)

**06. Board.** Idaho State Board Of Environmental Quality. (10-1-90)

**07. Building Sewer.** The extension of the building drain beginning five (5) feet outside the inner face of the building wall. (10-1-90)

**08. Central System.** Any system which receives blackwaste or wastewater in volumes exceeding twenty-five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership. (10-1-90)

**09. Construct.** To make, form, excavate, alter, expand, repair, or install a system, and, their derivations. (5-7-93)

**10. Director.** The Director of the Idaho Department of Environmental Quality or the Director's designee or authorized agent. (10-1-90)

**11. Existing System.** Any system which was installed prior to the effective date of these rules. (5-7-93)

**12. Expand.** To enlarge any nonfailing system. (10-1-90)

**13. Failing System.** Any system which exhibits one (1) or more of the following characteristics: (10-1-90)

**a.** The system does not meet the intent of these rules as stated in Subsection 004.01. (5-7-93)

**b.** The system fails to accept blackwaste and wastewater. (10-1-90)

**c.** The system discharges blackwaste or wastewater into the waters of the State or onto the ground surface. (10-1-90)

**14. Ground Water.** Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (5-7-93)

**15. High Groundwater Level -- Normal, Seasonal.** High ground water level may be established by the presence of low chroma mottles, actual ground water monitoring or historic records. (5-7-93)

**a.** The normal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of six (6) weeks a year. (5-7-93)

**b.** The seasonal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of one (1) week a year. (5-7-93)

**16. High Water Mark.** The line which the water impresses on the soil by covering it for sufficient



periods of time to prevent the growth of terrestrial vegetation. (10-1-90)

**17. Individual System.** Any standard, alternative or subsurface system which is not a central system. (10-1-90)

**18. Install.** To excavate or to put in place a system or a component of a system. (10-1-90)

**19. Installer.** Any person, corporation, or firm engaged in the business of excavation for, or the construction of individual or subsurface sewage disposal systems in the State. (10-1-90)

**20. Large Soil Absorption System.** A large soil absorption system is a subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day but the flow is separated into absorption modules which receive less than two thousand five hundred (2,500) gallons per day. (5-7-93)

**21. Limiting Layer.** A characteristic subsurface layer or material which will severely limit the capability of the soil to treat or absorb wastewater including, but not limited to, water tables, fractured bedrock, fissured bedrock, excessively permeable material and relatively impermeable material. (10-1-90)

**22. Mottling.** Irregular areas of different color in the soil that vary in contrast, density, number and size. Mottling generally indicates poor aeration and impeded drainage. (5-7-93)

**23. New System.** A system which is or might be authorized or approved on or after the effective date of these rules. (5-7-93)

**24. Nondischarging System.** Any system which is designed and constructed to prevent the discharge of blackwaste or wastewater. (10-1-90)

**25. Permit.** An individual or subsurface system installation permit or installer's registration permit. (10-1-90)

**26. Pollutants.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a public nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, aesthetic, or other beneficial uses. (10-1-90)

**27. Public System.** Any system owned by a county, city, special service district, or other governmental entity or Indian tribe having the authority to dispose of blackwaste or wastewater; a municipal wastewater treatment facility. (10-1-90)

**28. Repair.** To remake, reform, replace, or enlarge a failing system or any component thereof as is necessary to restore proper operation. (10-1-90)

**29. Scarp.** The side of a hill, canyon, ditch, river bank, roadcut or other geological feature characterized by a slope of forty-five (45) degrees or more from the horizontal. (10-1-90)

**30. Service Provider.** Any person, corporation, or firm engaged in the business of providing operation, maintenance, and monitoring of complex alternative systems in the state of Idaho. ( )

~~30~~**1. Sewage.** Sewage has the same meaning as wastewater. (10-1-90)

~~31~~**2. Soil Texture.** The relative proportion of sand, silt, and clay particles in a mass of soil. (10-1-90)

~~32~~**3. Standard System.** Any system recognized by the Board through the adoption of design and construction regulations. (10-1-90)

- 334.** **Subsurface System.** Any system with a point of discharge beneath the earth's surface. (10-1-90)
- 345.** **Surface Water - Intermittent, Permanent, Temporary.** (7-1-93)
- a.** Any waters of the State which flow or are contained in natural or man-made depressions in the earth's surface. This includes, but is not limited to, lakes, streams, canals, and ditches. (10-1-90)
- b.** An intermittent surface water exists continuously for a period of more than two (2) months but not more than six (6) months a year. (10-1-90)
- c.** A permanent surface water exists continuously for a period of more than six (6) months a year. (10-1-90)
- d.** A temporary surface water exists continuously for a period of less than two (2) months a year. (10-1-90)
- 356.** **System.** Beginning at the point of entry physically connected piping, treatment devices, receptacles, structures, or areas of land designed, used or dedicated to convey, store, stabilize, neutralize, treat, or dispose of blackwaste or wastewater. (10-1-90)
- 367.** **Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, grey water or commercial or industrial pollutants; and sewage. (10-1-90)
- 378.** **Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, which flow through or border upon the state of Idaho. (10-1-90)
- 389.** **Water Table.** The surface of an aquifer. (10-1-90)

**(BREAK IN CONTINUITY OF SECTIONS)**

**006. INSTALLER'S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION.**

- 01. Permit and Certification Required.** Every installer and service provider shall secure from the Director, an installer's registration permit. Service providers must also obtain a service provider's certification. Two (2) types of installer permits and one (1) type of service provider certification are available. (5-7-93)( )
- a.** A standard and basic alternative system installer's registration permit is required to install all individual systems not listed under Subsection 006.01.b. (5-7-93)
- b.** A complex alternative system installer's registration permit is required to install evapotranspiration systems, extended treatment package systems, lagoon systems, large soil absorption systems, pressure distribution systems, intermittent sand filters, in trench sand filter, sand mounds or other systems as may be specified by the Director. (5-7-93)( )
- c.** A service provider certification is required to perform operation, maintenance, or monitoring of complex alternative systems. ( )
- 02. Examination.** The initial issuance of the installer's permit and service provider certification shall be based on the completion of an examination, with a passing score of seventy (70) percent or more, of the applicant's knowledge of the principles set forth in this chapter these rules and the applicable sections of the Technical Guidance

Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examination shall be separate exams. (5-7-93)( )

03. **Permits and Certifications Required Annually.** Registration permits and service provider certifications expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be issued for the balance of the calendar year. Additionally, installers and service providers shall attend at least one (1) refresher course approved by the state of Idaho, Department of Environmental Quality, ~~be attended~~ every three (3) years. Individuals holding both a complex installer registration permit and service provider certification shall attend one refresher course for the complex installer registration permit and another course for the service provider certification. Installer and service provider refresher courses are not interchangeable. (5-7-93)( )

04. **Contents of Application.** ( )

- a. Applications for installer permits and service provider certifications shall: ( )
- i. ~~Be~~ in writing: ( )
- ii. ~~shall be~~ signed by the applicant or by an officer or authorized agent of a corporation: ( )
- iii. ~~shall e~~ Contain the name and address of the applicant: ( )
- iv. ~~shall i~~ Indicate whether the permit is to be for: ( )
- (1) ~~i~~ Installation of standard and basic alternative systems ~~or for~~: ( )
- (2) ~~i~~ Installation of standard, basic and complex alternative systems: or ( )
- (3) Installation of standard, basic and complex alternative systems and certification as a service provider; and ( )
- v. ~~shall e~~ Contain the expiration date of the bond required by Subsection 006.05. ( )
- b. Additionally, for applicants seeking certification as a service provider, the application shall also contain annual documentation of manufacturer specific training, as required by Subsection 006.06.a. (5-7-93)( )

05. **Bond Required.** At the time of application, all applicants, including those seeking a service provider certification, shall deliver to the Director a bond in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer's registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer's registration permit. The bond will be executed by a surety company duly authorized to do business in the state of Idaho and must run concurrent with the installer's registration permit ~~to~~. The bond shall be approved by the Director and must guarantee ~~ing~~ the installer or service provider's faithful performance of all work undertaken under the provisions of the installer's registration permit or service provider certification, or both. Any person who suffers damage as the result of ~~the~~ negligent or wrongful acts of the ~~registrant~~ installer or service provider or by ~~his~~ the installer or service provider's failure to competently perform any of the work agreed to be done under the terms of the registration permit or certification shall, in addition to other legal remedies, have a right of action in his own name on the bond for all damages not exceeding five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. The maximum liability of the surety and/or sureties on the bond, regardless of the number of claims filed against the bond, shall not exceed the sum of five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. (5-7-93)( )

06. **Service Provider Responsibilities.** All certified service providers who provide operation, maintenance, or monitoring for any complex alternative system are responsible for compliance with each of these rules that are relevant to those services. Additionally, each certified service provider shall: ( )

a. Obtain documentation of the completed manufacturer-specific training of each manufactured and packaged treatment system for which the service provider intends to provide operation, maintenance, or monitoring. Proper documentation includes a certificate or letter of training completion provided by the manufacturer. If a system manufacturer is no longer in business, that manufacturer-specific training is not required. ( )

b. Maintain a comprehensive list of real property owners who contracted with the certified service provider. The list shall include the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal permit number. This list shall be provided to the Director as part of the annual operation, maintenance, and monitoring reports for individual real property owners; and ( )

c. Submit all operation, maintenance, and monitoring records in the form of an annual report for each individual real property owner with whom the service provider contracts to fulfill the real property owner's operation, maintenance, or monitoring responsibilities required through the real property owner's subsurface sewage disposal installation permit as allowed in Subsection 005.14. The annual reports shall be provided to the Director by the timeframe specified in the Technical Guidance Manual for the specific complex alternative system for which operation, maintenance, or monitoring is required. ( )

**067. Exemption.** An installer's permit shall not be required for: (10-1-90)

**a.** Any person, corporation, or firm constructing a central or municipal subsurface sewage disposal system if that person, corporation, or firm is a licensed public works contractor as provided in Title 54, Chapter 19, Idaho Code, is experienced in the type of system to be installed and is under the direction of a professional engineer licensed in the state of Idaho; or (5-7-93)

**b.** ~~An~~ Owner installing ~~his~~ their own standard or basic alternative systems. (5-7-93)( )

**078. Application Fee.** All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 120, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

**089. Grounds for Revocation.** Failure to comply with these rules shall be grounds for revocation of the permit or the certification, or both. (5-7-93)( )

**10. Transfer from Non-Profit Operation and Maintenance Entity to Certified Service Provider.** ( )

**a.** Real property owners who want to install extended treatment package systems must retain a permitted installer and certified service provider. An easement granting general access to a non-profit operation and maintenance entity is no longer required for extended treatment package system installation permits. ( )

**b.** Beginning July 1, 2017, real property owners who had extended treatment package systems installed are not required to be members of non-profit operation and maintenance entities. To meet the operation, maintenance, and monitoring requirements of their extended treatment package systems, real property owners shall retain a certified service provider for their existing extended treatment package systems. ( )

(BREAK IN CONTINUITY OF SECTIONS)

**009. OTHER COMPONENTS.**

**01. Design Approval Required.** Commercially manufactured blackwaste and wastewater treatment and storage components may not be used in the construction of a system unless their design is approved by the Director. (10-1-90)

**02. Plan and Specification Submittal.** Plans and specifications for all commercially manufactured individual and subsurface treatment and storage components will be submitted to the Director for approval. Plans and specifications will show or include as requested by the Director, detailed construction drawings, capacities, structural calculations, list of materials, evidence of stability and durability, manufacturers installation, operation and maintenance instructions, and other relevant information. (10-1-90)

**03. Effect of Design Approval.** The Director may condition a design approval by specifying circumstances under which the component must be installed, used, operated, ~~or~~ maintained, or monitored. ~~(10-1-90)~~ ( )

a. The Director shall specify the complex alternative systems that must undergo professionally managed operation, maintenance, service, or effluent testing. ( )

b. Manufacturers shall provide training to a reasonable number of service providers to perform required operation, maintenance, or monitoring as specified by the Director. ( )

c. Manufacturers may enter into agreements with certified service providers trained in their technology but shall not limit the service providers from being trained in the technology of other manufacturers. ( )

**04. Notice of Design Disapproval.** If the Director is satisfied that the component described in the submittal may not be in compliance with or may not consistently function in compliance with these rules, or that the manufacturer of the proposed system failed to comply with Subsection 009.03, the Director will disapprove the design as submitted. The manufacturer or distributor submitting the design for approval will be notified in writing of the disapproval and the reason for that action. ~~(5-7-93)~~ ( )