



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: October 28, 2021
SUBJECT: Idaho Department of Lands

IDAPA 20.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 20-0000-2100F)

Summary and Stated Reasons for the Rule

The Idaho Department of Lands submits notice of proposed rule at IDAPA 20.00.00 - Notice of Omnibus Rulemaking. According to the department, the rulemaking publishes these rule chapters previously submitted to and reviewed by the Legislature.

- 20.02.14, Rules for Selling Forest Products on State-Owned Endowment Lands;
- 20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho;
- 20.03.02, Rules Governing Mined Land Reclamation;
- 20.03.03, Rules Governing Administration of the Reclamation Fund;
- 20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho;
- 20.03.05, Riverbed Mineral Leasing in Idaho;
- 20.03.08, Easements on State-Owned Lands;
- 20.03.13, Administration of Cottage Site Leases on State Lands;
- 20.03.14, Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases;
- 20.03.15, Rules Governing Geothermal Leasing on Idaho State Lands;
- 20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands;

Paul Headlee, Deputy Director Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Glenn Harris, Manager Information Technology
---	--	---	--	--

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

- 20.03.17, Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands;
- 20.04.02, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws; and
- 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho.

Negotiated Rulemaking/Fiscal Impact

The department states that negotiated rulemaking was not conducted "because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare." The department states that the rule does not impose a fee or charge, or increase a fee or charge beyond what was previously submitted to and reviewed by the Legislature. The department states that there no fiscal impact is anticipated.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 38-132 and 38-402, Idaho Code; chapters 3, 7, 8, 13, 15, 16 and 18, title 47, Idaho Code; chapters 1, 3, 6, 12 and 13, title 58, Idaho Code; chapter 52, title 67, Idaho Code; Article IX, Sections 7 and 8 of the Idaho Constitution; and The Equal Footing Doctrine (Idaho Admission Act of July 3, 1890, 26 Stat. 215, Chapter 656).

cc: Idaho Department of Lands
Amy Johnson

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Department of Lands

Agency Contact: Scott Phillips **Phone:** (208) 334-0294

Date: September 8, 2021

IDAPA, Chapter and Title Number and Chapter Name:

- 20.02.14, Rules for Selling Forest Products on State-Owned Endowment Lands
- 20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho
- 20.03.02, Rules Governing Mined Land Reclamation
- 20.03.03, Rules Governing Administration of the Reclamation Fund
- 20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho
- 20.03.05, Riverbed Mineral Leasing in Idaho
- 20.03.08, Easements on State-Owned Lands
- 20.03.13, Administration of Cottage Site Leases on State Lands
- 20.03.14, Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases
- 20.03.15, Rules Governing Geothermal Leasing on Idaho State Lands
- 20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands
- 20.03.17, Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands
- 20.04.02, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws
- 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho

Fee Rule Status: X **Proposed** **Temporary**

Rulemaking Docket Number: 20-0000-2100F

STATEMENT OF ECONOMIC IMPACT:

The following fees or charges remain unchanged from what was previously submitted to and reviewed by the first regular session of the 66th Idaho State Legislature:

- 20.02.14 – Stumpage payments and associated bonding for removal of state timber from endowment land pursuant to timber sales. This charge is being imposed pursuant to Sections 58-104, 58-105 and 58-127, Idaho Code.
- 20.03.01 – Application fee, amendment fee, assignment fee, and inspection fee for all dredge and placer permits in the state of Idaho. This fee is being imposed pursuant to Sections 47-1316 and 47-1317, Idaho Code.
- 20.03.02 – Application fee for permanent closure plans and reclamation plans and amendments to those plans. This fee is being imposed pursuant to Sections 47-1506(g) and 47-1508(f), Idaho Code.

- 20.03.03 – Annual payment for Reclamation Fund participation. This charge is being imposed pursuant to Section 47-1803, Idaho Code.
- 20.03.04 – Application fees for encroachment permits and assignments and deposits toward the cost of newspaper publication. This fee is being imposed pursuant to Sections 58-127 and 58-1307, Idaho Code.
- 20.03.05 – Fees for applications, advertising applications, exploration locations, and approval of assignments for riverbed mineral leasing. This fee is being imposed pursuant to Section 47-710, Idaho Code.
- 20.03.08 – Application fee, easement consideration fee, appraisal costs, and assignment fee for easements on state-owned lands. This fee is being imposed pursuant to Sections 58-127, 58-601, and 58-603, Idaho Code.
- 20.03.13 – Annual rental payment paid to the endowment for which the property is held. This charge is being imposed pursuant to Section 58-304, Idaho Code.
- 20.03.14 – Lease application fee, full lease assignment fee, partial lease assignment fee, mortgage agreement fee, sublease fee, rental payment, late rental payment fee, minimum lease fee, and lease payment extension request fee on state endowment trust lands. This fee or charge is being imposed pursuant to Section 58-304, Idaho Code.
- 20.03.15 – Application fee, assignment fee, late payment fee, royalty payments, and annual rental payment for geothermal leases on state-owned lands. This fee or charge is being imposed pursuant to Sections 47-1605 and 58-127, Idaho Code.
- 20.03.16 – Exploration permit fee, nomination fee, processing fee, royalty payments, and annual rental payment for oil and gas leases on endowment lands. This fee or charge is being imposed pursuant to Sections 47-805 and 58-127, Idaho Code.
- 20.03.17 – Application fee, rental rate, and assignment fee for leases on state-owned submerged lands and formerly submerged lands. This fee is being imposed pursuant to Sections 58-104, 58-127 and 58-304, Idaho Code.
- 20.04.02 – Fee imposed upon the harvest and sale of forest products to establish hazard management performance bonds for the abatement of fire hazard created by a timber harvest operation, and fees imposed upon contractors for transferring fire suppression cost liability back to the State. This fee or charge is being imposed pursuant to Sections 38-122 and 38-404, Idaho Code.
- 20.07.02 – Bonding for oil and gas activities in Idaho and application fees for seismic operations; permit to drill, deepen or plug back; multiple zone completions; well treatment; pits and directional deviated wells. This fee or charge is being imposed pursuant to Sections 47-315(5)(e) and 47-316, Idaho Code.