

STATE BOARD OF LAND COMMISSIONERS

November 15, 2022

Regular Agenda

Subject

Negotiated rulemaking for IDAPA 20.03.05 *Riverbed Mineral Leasing in Idaho*

Question Presented

Shall the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.05 *Riverbed Mineral Leasing in Idaho*?

Background

The Idaho Department of Lands (Department) manages the beds of navigable rivers to provide for their commercial, navigational, recreational, or other public use. IDAPA 20.03.05 establishes a consistent process to authorize mineral exploration and extraction on state-owned navigable rivers and collect rents and royalties.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled for a comprehensive review in 2023 with the goal of simplifying the rules for increased clarity and ease of use.

Discussion

The Department anticipates diminishing the overall regulatory burden by reducing both total word count and the number of restrictive words in the new rule chapter. The Department will review the rule with stakeholders to ensure that it is right-sized. Preliminary research justifies increasing fees to cover the actual costs of processing. These fees have not changed since they were approved in 1991.

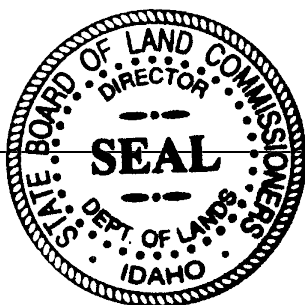
A proposed timeline for the rulemaking process is provided in Attachment 1.

Recommendation

Authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.05 *Riverbed Mineral Leasing in Idaho*.

Board Action

A motion was made by Attorney General Wasden that the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.05 *Riverbed Mineral Leasing in Idaho*. Superintendent Ybarra seconded the motion. The motion carried on a vote of 4-0.



Attachments

1. Draft rulemaking timeline



Draft Rulemaking Timeline

IDAPA 20.03.05

Riverbed Mineral Leasing in Idaho

November 15, 2022	Approval from Land Board to start negotiated rulemaking (regular agenda)
February 24, 2023	Last day to submit <i>Administrative Rules Request Form</i> to the Division of Financial Management (DFM) for Bulletin publication in April
March 2023	Post information on Idaho Department of Lands website about this rulemaking
April 5, 2023	<i>Notice of Intent to Promulgate Rules</i> publishes in the Idaho Administrative Bulletin; negotiated rulemaking and public comment period begins
April 19, 2023	Negotiated rulemaking public meeting in Riggins and via Zoom
April 26, 2023	Negotiated rulemaking public meeting in Boise and via Zoom
June 16, 2023	End of public comment period for negotiated rulemaking
July 18, 2023	Present update on this rulemaking to the Land Board (information agenda)
July 21, 2023	Last day to submit proposed rule to DFM for Bulletin publication in September
August 4, 2023	Last day to submit <i>Notice of Proposed Rule</i> to the Office of the Administrative Rules Coordinator (OARC) for Bulletin publication in September
September 6, 2023	Proposed rule publishes in the Idaho Administrative Bulletin and 21-day written public comment period begins
September 20, 2023	Deadline to request a public hearing on proposed rule
September 27, 2023	End of written public comment period on proposed rule
October 17, 2023	Request approval from Land Board to adopt pending fee rule (regular agenda)
November 9, 2023	Last day to submit <i>Notice of Pending Fee Rule</i> to OARC for publication in December 2023
	Pending fee rule to be reviewed during the 2024 legislative session

Note: All dates are subject to change.