



IDAHO
CONSERVATION
LEAGUE

208.345.6933 • PO Box 844, Boise, ID 83702 • www.idahoconservation.org

April 10, 2024

Idaho Department of Lands
Attn: Mike Murphy – Rulemaking
P.O. Box 83720
Boise, Idaho 83720-0050
rulemaking@idl.idaho.gov

RE: Rules Governing Oil and Gas Leasing on Idaho State Lands (IDAPA 20.03.16)

Dear Idaho Department of Lands:

I am writing on behalf of the Idaho Conservation League (ICL) to submit comments on the on-going ZBR negotiated rulemaking process for IDAPA 20.03.16 Rules Governing Oil and Gas Leasing on Idaho State Lands (the Rules). Since 1973, the Idaho Conservation League has had a long history of involvement with the environmental protection of Idaho's lands and waters. As Idaho's largest state-based conservation organization we represent over 25,000 members and supporters who have a deep personal interest in ensuring that our public lands and water quality is protected throughout the state.

We thank you for the opportunity to submit comments and ask that you please send us any response to public comments on this opportunity from the Idaho Department of Lands (IDL). Please feel free to contact us if you have any questions or require additional information.

Sincerely,

Will Tiedemann
Conservation Associate
Idaho Conservation League
wtiedemann@idahoconservation.org
208.286.4445

Proposed Removal of Certain Land Use, Surface Rights, and Obligations

IDL's 1st Rule Draft proposes to remove Subsections 50.01-04, 08-10. During the public negotiated rulemaking on April 10, 2024, IDL staff stated these provisions are generally included within standard Lease language and that some provisions may also be covered in Idaho Statute, therefore, they were seen as duplicative and removed in line with ZBR directives.

We are concerned that removal of these subsections, specifically, 58.02,03,06, and 08 ("Prevention of Injury or Damage", "Blowout or Spill", "Portable Water Discovery", and "Entry by Director") may jeopardize important protections to public health and the environment. These subsections were presumably originally included with the Rules to meet the direction of Idaho Statute or were otherwise deemed reasonable and prudent. If they were removed, their authority would only exist under IDL discretion within Lease language.

Whether by inadvertent circumstances or a specific effort, these requirements and protections could be removed from Lease language with no public notice or input in the future thereby endangering human health and the environment.

Upon a cursory review of applicable Idaho Statutes (in particular Title 47, Chapter 8) it does not appear the Rule subsections in question are specifically addressed. Title 47, Chapter 3 does include some provisions that may overlap with these Rule subsections, but Subsection 00 Legal Authority of the Rules does not cite Title 47, Chapter 3. We ask that IDL clarify on how these Rule Subsections in question may or may not be covered by Idaho Statute.

In order to preserve these important human health and environmental protections, we ask that Rule Subsections 58.02,03,06, and 08 be retained. Doing so retains the original intent of the Rules and avoids a scenario in which applicable Lease language is revised without public input to remove these protections.