

Zero-Based Regulation Prospective Analysis

Agency Name: Idaho Department of Lands

Rule Docket Number: 20-0316-2401

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Idaho Code Title 47, Chapter 8 – Oil and Gas Leases on State and School Lands	Discretionary
Idaho Code Title 58, Chapter 104(6) - State Land Board – Powers and Duties	Discretionary
Idaho Code Title 58, Chapter 105 - Director	Discretionary

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

IDAPA 20.03.16 provides guidance for oil and gas leasing on state lands. The proposed changes seek to comply with Executive Order 2020-01. The Department will begin the negotiated rulemaking process, including, but not limited to, legal and internal review of the rule, as well as review with stakeholders to ensure the rules provide appropriate guidance for lessees, interested parties, and the Department.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Fluid Mineral Leases and Leasing Process 43 CFR parts 3000, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3170, and 3180	Fluid Mineral Leases and Leasing Process https://www.federalregister.gov/documents/2024/04/23/2024-08138/fluid-mineral-leases-and-leasing-process	The existing and proposed Idaho rules are not more stringent.

b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Washington	WAC 332-12: OIL AND GAS LEASES Chapter 79.14 RCW: MINERAL, COAL, OIL, AND GAS LEASES Rules for oil and gas leasing on state lands in Washington.	The existing and proposed Idaho rules are not more stringent.
Oregon	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=340 Rules for oil and gas leasing on state lands in Oregon.	The existing and proposed Idaho rules are not more stringent.
Nevada	No leasing program identified	N/A
Utah	https://adminrules.utah.gov/public/rule/R850-21/Current%20Rules?searchText=oil Rules for oil and gas leasing on state lands in Utah.	The existing and proposed Idaho rules are not more stringent.
Wyoming	https://drive.google.com/file/d/15j0yzEg0aUt5QnFSm8Ld2Xog5tkV9gbn/view Rules for oil and gas leasing on state lands in Wyoming.	The existing and proposed Idaho rules are not more stringent.
Montana	https://rules.mt.gov/gateway/RuleNo.asp?RN=36%2E25%2E205 Rules for oil and gas leasing on state lands in Montana	The existing and proposed Idaho rules are not more stringent.
Alaska	https://dog.dnr.alaska.gov/About/Regulations Rules for oil and gas leasing on state lands in Alaska	The existing and proposed Idaho rules are not more stringent.
South Dakota	https://sdlegislature.gov/Rules/Administrative/04:01:01 Rules for oil and gas leasing on state lands in South Dakota	The existing and proposed Idaho rules are not more stringent.

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement: N/A

4. What evidence is there that the rule, as proposed, will solve the problem?

The proposed rule will clarify existing language. The proposed changes seek to comply with Executive Order 2020-01.

5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	No fiscal impact to the General Fund, Earnings Reserve, any other dedicated fund, or federal funds.
Impact to Idaho businesses, with special consideration for small businesses	No impact to Idaho businesses.
Impact to any local government in Idaho	No impact to local governments.

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	Word count reduced by 1,494.
Net change in restrictive word count	Restrictive words reduced by 10.