

STATE BOARD OF LAND COMMISSIONERS

August 20, 2024

Regular Agenda

Subject

Adoption of Pending Fee Rule, IDAPA 20.03.15 *Rules Governing Geothermal Leasing on Idaho State Lands*

Question Presented

Shall the Land Board adopt the pending fee rule for IDAPA 20.03.15?

Background

The Idaho Department of Lands (Department) administers a geothermal leasing program on behalf of the State Board of Land Commissioners (Land Board) for state endowment lands and lands owned by other state agencies. These activities are authorized by Idaho Code Title 47, Chapter 16 – Geothermal Resources. The adoption of related rules is authorized by Idaho Code § 47-1603.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session.

The Department received Land Board approval on January 16, 2024 to enter negotiated rulemaking.

Discussion

The Department's outreach for negotiated rulemaking included the following:

- Published the Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin.
- Created a rulemaking webpage to post documents, scheduling information, and comments (<https://www.idl.idaho.gov/rulemaking/docket-20-0315-2401/>).
- Posted rulemaking notices to Townhall Idaho.
- Provided notice of negotiated rulemaking to stakeholders through email and direct communication.

Negotiated rulemaking meetings were held on March 28 and April 10, 2024. A total of 3 non-Department affiliated people attended these meetings.

Some discussion occurred regarding the addition and clarification of certain definitions to update the rule language to reflect current industry language and practices. One written comment was received from Eavor, Inc. pointing out that some definitions may need to be reviewed and updated. Minor revisions were suggested for sections 055 and 060 of the rule.

A summary of negotiated rulemaking and submitted written comments is included as Attachment 1. No comments were received after publication of the Proposed Fee Rule (Attachment 2).

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Fee Rule (Attachment 3) to the Office of the Administrative Rules Coordinator for the 2025 legislative session.

Recommendation

Adopt the pending fee rule for IDAPA 20.03.15 *Rules Governing Geothermal Leasing on Idaho State Lands*.

Board Action

A motion was made by Secretary of State McGrane that the Land Board adopt the pending fee rule for IDAPA 20.03.15 *Rules Governing Geothermal Leasing on Idaho State Lands*. Superintendent Critchfield seconded the motion. The motion carried on a vote of 5-0.

Attachments

1. Negotiated Rulemaking Summary
2. Notice of Rulemaking – Proposed Fee Rule with Rule Text
3. Draft Notice of Adoption of Pending Fee Rule

