

IDAHO OIL AND GAS CONSERVATION COMMISSION  
November 14, 2023  
Regular Agenda

SUBJECT

Negotiated Rulemaking IDAPA 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho

BACKGROUND

The Idaho Department of Lands (Department) administers these rules under the authority of the Oil and Gas Conservation Act (Title 47 Chapter 3, Idaho Code). These rules apply to the extraction of any and all crude oil and natural gas resources in the state of Idaho, not including biogas, manufactured gas, or landfill gas, regardless of ownership.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled for a comprehensive review in 2024. Revisions are needed to better align procedures and wording with statute revisions that occurred in 2017 and 2023.

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.

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

RECOMMENDATION

The Department recommends that the Oil and Gas Conservation Commission authorize the Department to initiate negotiated rulemaking for IDAPA 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho.

COMMISSION ACTION

A motion was made by Commissioner Riebe that the Commission authorize the Department to begin the negotiated rulemaking process. Commissioner Haws seconded the motion. The motion carried on a vote of 5-0.

ATTACHMENTS

1. Draft Proposed Timeline





## Draft Rulemaking Timeline

IDAPA 20.07.02

Rules Governing Conservation of Oil and Natural Gas in the State of Idaho

November 14, 2023	Approval from OGCC to start negotiated rulemaking (Regular Meeting / regular agenda item)
February 20, 2024	Present update on this rulemaking to the OGCC (Regular Meeting / information agenda item )
March 6, 2024	Post information on OGCC website about this rulemaking
March 8, 2024	Last day to submit <i>Notice of Intent to Promulgate Rules</i> to the Division of Financial Management (DFM) for Bulletin publication in April
April 3, 2024	<i>Notice of Intent to Promulgate Rules</i> publishes in the Idaho Administrative Bulletin; negotiated rulemaking and public comment period begins
April 5, 2024	Post Draft #1 on OGCC website
April 11, 2024	Negotiated rulemaking public meeting #1 in Boise and via Teams (Draft #1)
April 15, 2024	Negotiated rulemaking public meeting #2 in Fruitland and via Teams (Draft #1)
April 19, 2024	Written Comments on Draft #1 deadline
April 26, 2024	Post Draft #2 on OGCC website
April 29, 2024	Negotiated rulemaking public meeting #3 in Boise and via Teams (Draft #2)
May 3, 2024	Written Comments on Draft #2 deadline
May 16, 2024	Post Draft #3 on OGCC website
May 21, 2024	Present update on this rulemaking to the OGCC (Regular Meeting / information agenda item with Draft #3. Will accept Commission and public comment)
May 31, 2024	Written Comments on Draft #3 deadline and end of public comment period for negotiated rulemaking
July 5, 2023	Last day to submit <i>Notice of Proposed Rule</i> to the Office of the Administrative Rules Coordinator (OARC) for Bulletin publication in August
August 7, 2024	<i>Notice of Proposed Rule</i> publishes in the Idaho Administrative Bulletin and 21-day written public comment period begins

August, 2024	Hold public hearing on proposed rule (Date TBD)
August 28, 2024	End of written public comment period on proposed rule
October, 2024	Request approval from OGCC to adopt pending fee rule (Special Meeting / regular agenda item, Date TBD)
November 8, 2024	Last day to submit <i>Notice of Pending Fee Rule</i> to OARC for publication in December
December 4, 2024	<i>Notice of Pending Fee Rule</i> publishes in the Idaho Administrative Bulletin
	<b>Pending fee rule to be reviewed during the 2025 legislative session</b>

**Note: All dates are subject to change.**

DRAFT