

Zero-Based Regulation Prospective Analysis

Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5

Agency Name: Idaho Department of Lands

Rule Docket Number: 20-0702-2401

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

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Title 47, Chapter 3, Idaho Code, Oil and Gas Wells	Mandatory

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

These rules are required for the Oil and Gas Conservation Commission to fulfill their duty to prevent waste, protect correlative rights, and prevent pollution of fresh water supplies during the exploration and production of oil and gas resources. The rules define and clarify the procedures for regulating oil and gas exploration and development activities on public and private lands in the state. The proposed changes seek to comply with Executive Order 2020-01. Revisions are also needed to better align the rules with statute revisions that occurred in 2017 and 2023.

Unregulated oil and gas development in the 1800’s and early 1900’s resulted in the pollution of surface waters, and thousands of abandoned wells that contaminated aquifers and cause continuing health and safety hazards for the general public. This early development also needlessly depleted reservoirs of the pressures needed to maximize oil and gas recovery, and often drained landowners without paying them royalties.

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)

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		
Oregon		
Nevada		
Utah		
Wyoming		
Montana		
Alaska		
South Dakota		

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:

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

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 impacts to the General Fund or Oil & Gas Dedicated Fund are anticipated.
Impact to Idaho businesses, with special consideration for small businesses	No impacts to Idaho businesses are anticipated. Streamlining and clarification of processes may be beneficial to oil & gas operators who will be notified of the dates and locations of the Negotiated Rulemaking public meetings.
Impact to any local government in Idaho	No impacts to local governments are anticipated. One Negotiated Rulemaking public meeting will take place in Fruitland, Idaho near the current oil and gas activity. Notice will be provided to the county and local cities of the meeting.

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

Category	Impact
Net change in word count	

Net change in restrictive word count	
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