

IDAHO OIL AND GAS CONSERVATION COMMISSION
October 20, 2020
Regular Agenda

SUBJECT

Adoption of Pending Rule for IDAPA 20.07.02 – *Rules Governing Conservation of Oil and Natural Gas in the State of Idaho*

BACKGROUND

On February 18, 2020, the Oil and Gas Conservation Commission (Commission) adopted without amendments the temporary rules in IDAPA 20.07.02 that were previously submitted to the 2020 Idaho Legislature. These rules were to be effective sine die of the 2020 legislative session in the event that the Legislature did not approve the existing administrative rules. The Idaho Legislature adjourned the 2020 legislative session without approving all previously existing administrative rules.

IDAPA 20.07.02 therefore became effective as a temporary rule on March 20, 2020 (sine die) and will continue in effect to the end of the 2021 legislative session. For IDAPA 20.07.02 to become a final rule again, the Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) requires publication of a proposed rule in the Administrative Bulletin and a 21-day public comment period.

A special edition of the Administrative Bulletin was published on September 16, 2020 which included the Notice of Omnibus Rulemaking, Proposed Fee Rule – Docket No. 20-0000-2000F. A public hearing was held on September 30, 2020 for IDAPA 20, Rules of the Idaho Department of Lands. No oral comments were received on IDAPA 20.07.02 at the public hearing. Also, no written comments were received on IDAPA 20.07.02 by the October 7th deadline. The Department has not made any changes to the proposed fee rule that was presented to the Commission in August 2020.

DISCUSSION

The Department is seeking approval from the Commission to adopt the IDAPA 20.07.02 proposed fee rule as a pending rule. The rule would be adopted without amendments and is the same rule that was presented to the 2020 Legislature.

If approved by the Commission, the Department will submit the appropriate Notice of Adoption of Pending Rule to be published in the Idaho Administrative Bulletin, and IDAPA 20.07.02 would become final and effective after approval by the 2021 Legislature.

RECOMMENDATION

Adopt the proposed fee rule as the pending rule for IDAPA 20.07.02 *Rules Governing Conservation of Oil and Natural Gas in the State of Idaho* and authorize the Department to submit a Notice of Adoption of Pending Rule consistent with that adoption.

COMMISSION ACTION

A motion was made by Commissioner Miller to move with the adoption of the proposed fee rule as the pending rule for IDAPA 20.07.02 – *Rules Governing Conservation of Oil and Gas in the State of Idaho* and authorize the Department to submit a Notice of Adoption of Pending Rule consistent with that adoption. Commissioner Classen seconded the motion. The motion carried on a vote of 4-0.

