

STATE BOARD OF LAND COMMISSIONERS

January 16, 2024

Regular Agenda

Subject

Negotiated rulemaking for IDAPA 20.03.15 *Rules Governing Geothermal Leasing on Idaho State Lands*

Question Presented

Shall the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.15 *Rules Governing Geothermal Leasing on Idaho State Lands*?

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Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session.

Discussion

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.

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

Recommendation

Authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.15 *Rules Governing Geothermal Leasing on Idaho State Lands*.

Board Action

Attachments

1. Draft rulemaking timeline



Proposed Rulemaking Timeline

IDAPA 20.03.15 – Rules Governing Geothermal Leasing on Idaho State Lands

January 16, 2024	Approval from Land Board to start negotiated rulemaking (regular agenda)
February 9, 2024	Last day to submit <i>Notice of Intent to Promulgate Rules</i> to the Office of the Administrative Rules Coordinator (OARC) for publication in March
February 2024	Post information on IDL website about this rulemaking
March 6, 2024	<i>Notice of Intent to Promulgate Rules</i> publishes in the Idaho Administrative Bulletin; public comment period opens
March 28, 2024	Negotiated rulemaking public meeting in Boise
April 10, 2024	Negotiated rulemaking public meeting in Boise
April 19, 2024	End of comment period for negotiated rulemaking
May 21, 2024	Present update on this rulemaking to the Land Board (information agenda) <i>optional</i>
May 24, 2024	Last day to submit Proposed Rule and PAF to DFM
June 7, 2024	Last day to submit <i>Notice of Proposed Rule</i> to OARC for Bulletin publication in July
July 3, 2024	Proposed rule publishes in the Idaho Administrative Bulletin and 21-day public comment period begins
TBD	Public hearing
July 24, 2024	End of public comment period on proposed rule
August 20, 2024	Request approval from Land Board to adopt pending rule (regular agenda)
August 30, 2024	Last day to submit <i>Notice of Pending Rule</i> to OARC for publication in the October 2024 Administrative Bulletin
	Pending Rule to be reviewed during the 2025 legislative session

Note: All dates are subject to change.