



IDAHO OIL AND GAS CONSERVATION COMMISSION

Kevin Dickey, Chairman
Marc Shigeta, Vice Chairman
Dr. Renee Breedlovestrout, Commissioner
Jim Classen, Commissioner
Tom Schultz, Commissioner

Mick Thomas, Secretary to the Commission

Final Minutes

Idaho Oil and Gas Conservation Commission Regular Meeting
January 10, 2018

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Wednesday, January 10, 2018, in the Borah Building, 2nd Floor Courtroom (Room 214), 304 N. 8th St. (at Bannock), Boise, Idaho. The meeting began at 1:00 p.m. Chairman Kevin Dickey presided. The following members were present:

Vice Chairman Marc Shigeta
Commissioner Jim Classen
Commissioner Renee Breedlovestrout
Commissioner Tom Schultz

For the record, all five Commission members were present.

• **ANNOUNCEMENTS**

Secretary Thomas announced that Commissioner Schultz resigned as Director of the Idaho Department of Lands and thanked him for his service. Secretary Thomas added that the interim director will be taking that place on the Commission by the next meeting.

A motion was made by Commissioner Schultz to accept the proposed amended agenda as posted which removed the Data Access Policy because the Department needed more time to prepare that topic. Vice Chairman Shigeta seconded the motion. The motion carried on a vote of 5-0.

1. Division Administrator's Report

- A. Financial Update
- B. Current Oil and Gas Activity

DISCUSSION: Vice Chairman Shigeta asked if the spacing for the wells were on a 640-acre government sections, Secretary Thomas replied yes. Commissioner Classen asked about the second well that was being plugged, Secretary Thomas responded that was the Federal #20-3 well. Commissioner Classen clarified if that was the one in Eastern Idaho, Secretary Thomas stated that it was the well in Bonneville County and that the Department was waiting on the

P&A report. Chairman Dickey asked if the well was P&A'd or D&A'd, Program Manager James Thum confirmed that it was technically D&A'd.

- **CONSENT**

2. **Approval of Minutes** – December 7, 2017 Regular Meeting (Boise)

CONSENT AGENDA COMMISSION ACTION: A motion was made by Vice Chairman Shigeta that the Commission approve the meeting minutes on the Consent Agenda. Commissioner Breedlovestrout seconded the motion. The motion carried on a vote of 5-0.

Background information was provided by the presenter indicated below. No Commission action is required on the Information Agenda.

- **INFORMATION**

3. **Third Quarter 2017 Quarterly Report** – Presented by James Thum, Program Manager – Oil and Gas

4. **Trade Secret Protocol** – Presented by James Thum, Program Manager – Oil and Gas

5. **RBDMS and Data Explorer Status Update** – Presented by Chris Gozzo, Information Specialist – Oil and Gas

6. **Revision of Monthly Reporting Forms** – Presented by Mick Thomas, Division Administrator – Oil and Gas

- **REGULAR**

7. **Offsite Commission Meeting** – Presented by Mick Thomas, Division Administrator – Oil and Gas

RECOMMENDATION: The Department recommends that the Commission hold the regular Commission meeting on Wednesday, April 11, 2018 at 1:00 PM (MT) at the Payette County Courthouse.

DISCUSSION: Chairman Dickey asked Vice Chairman Shigeta if the room of the Payette County Courthouse was smaller than the room of the Borah Courtroom. Vice Chairman Shigeta confirmed that it was a smaller room and that a concern was if they had enough microphones to accommodate everyone but that the Department has microphones they could take. Further discussion was had on the size of the room and being able to accommodate the turnout. Commissioner Classen asked if Commissioner Schultz had been out there for a meeting. Commissioner Schultz clarified that the Department had a public meeting in Washington County which has a larger location at the Velodrome. Vice Chairman Shigeta also wanted everyone to be aware that the courthouse has security.

COMMISSION ACTION: A motion was made by Commissioner Schultz to hold the regular Commission meeting on April 11, either in Payette County or Washington County pending selection of a facility of appropriate size. Commissioner Breedlovestrout seconded the motion. The motion carried on a vote of 5-0.

At 2:14 p.m., a motion was made by Commissioner Schultz to convene in executive session pursuant to Idaho Code 74-206(1)(f) to communicate with legal counsel for the public agency to discuss legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated Vice Chairman Shigeta seconded the motion. *Roll Call Vote:* Aye: Shigeta, Breedlovestrout, Classen, Schultz, Dickey; Nay: None; Absent: None.

- **EXECUTIVE SESSION**

- A. Idaho Code 74-206 (1)(f) - to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. [TOPIC: December 7, 2017 Complaint Before the Commission by the Kauffmans]

At 3:05 p.m., the Commission resolved out of Executive Session by unanimous consent. The regular session reconvened at 3:09 p.m. Chairman Dickey clarified that no action was taken by the Commission during the Executive Session.

- **REGULAR**

- 8. **Administrative Procedure Options on Kauffman Complaint**

RECOMMENDATION: The Idaho Department of Lands (Department) recommends that the Commission vote on the options to proceed that are before the Commission.

The Department will leave it to the Commission's discretion as to whether it will decide to direct the Department to investigate the Kauffmans allegations. If the Commission chooses not to direct the Department to investigate the Kauffmans allegations, then the Department recommends that the Commission appoint a hearing officer, with Commission members sitting at hearing with the hearing officer consistent with IDAPA 04.11.01.414. The Department also recommends the Commission require the hearing officer to issue a recommended order pursuant to IDAPA 04.11.01.720.

DISCUSSION: Chairman Dickey asked Randy and Thana Kauffman, complainants; Michael Christian, attorney for Alta Mesa; and Mick Thomas to provide comment on this agenda item. An audio recording of this agenda item is available by request to the Department of Lands, Attn: Oil and Gas Commission Recording Secretary, PO Box 83720, Boise, Idaho 83720-0050 or by email to public_records_request@idl.idaho.gov.

COMMISSION ACTION: Following comment by the parties and the Department, a motion was made by Commissioner Schultz to have the Commission delegate its authority to hire a hearing

