



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

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Final Minutes

Idaho Oil and Gas Conservation Commission Regular Meeting  
December 7, 2017

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Thursday, December 7, 2017, in the State Capitol, Lincoln Auditorium (WW02), Lower Level, West Wing, 700 W Jefferson St., 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**

For the record, Chairman Dickey announced that the Commission will accept public comment on agenda items 4 and 5 after the conclusion of both presentations and that comments would be limited to five minutes per person. Secretary Thomas advised anyone in the audience who wished to provide public comment to sign up on the sheets provided at the back of the room.

**1. Division Administrator's Report**

A. Financial Update

*DISCUSSION:* Commissioner Schultz asked for an update on the inspector position and what the current status was. Secretary Thomas responded that the position had been posted on several job sites and had been open for about 4-5 weeks. The posting will close on either December 8<sup>th</sup> or December 15<sup>th</sup>. Secretary Thomas also added that interviews for this position will be in late January with a start date in February.

B. Summary of Current Well Permits

*DISCUSSION:* Commissioner Classen asked about the pending well permits and if they were being plugged. Secretary Thomas confirmed that the Federal #20-3 well was currently being plugged and that the Barlow #2-14 application was still pending. Chairman Dickey asked if under construction meant that the surface location was under construction, Secretary Thomas

responded yes. Chairman Dickey followed up to ask if under construction meant the well was being completed. Commissioner Classen responded that the well was drilled and being completed. Secretary Thomas confirmed that was correct.

- **CONSENT**

**2. Approval of Minutes – October 11, 2017 Regular Meeting (Boise)**

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

- **REGULAR**

**3. 2018 Annual Meeting Schedule for the Commission – Presented by Mick Thomas, Division Administrator – Oil and Gas**

*RECOMMENDATION:* The Department recommends the Commission meet monthly each calendar year, on the second Wednesday of each month beginning in January 2018 – May 2018 and the third Thursday of the month in June 2018 – December 2018, with meetings scheduled to begin at 1:00 PM Mountain Time. Regular Commission meetings are routinely held in Boise.

Meetings will be scheduled on the following dates for calendar year 2018:

- January 10<sup>th</sup>
- February 14<sup>th</sup>
- March 14<sup>th</sup>
- April 11<sup>th</sup>
- May 9<sup>th</sup>
- June 21<sup>st</sup>
- July 19<sup>th</sup>
- August 16<sup>th</sup>
- September 20<sup>th</sup>
- October 18<sup>th</sup>
- November 15<sup>th</sup>
- December 20<sup>th</sup>

Dates, times and locations are subject to change.

*DISCUSSION:* Commissioner Classen noted that the dates and locations were all subject to change. A discussion was had to have an off-site meeting. It was agreed that a meeting out by Fruitland would be helpful. Secretary Thomas noted that the Department had received a lot of feedback on wanting a meeting off-site.

*COMMISSION ACTION:* A motion was made by Vice Chairman Shigeta to approve the 2018 Annual Meeting schedule. Commissioner Schultz seconded the motion. After discussion, the motion was amended to have the Department bring forward a recommended date and location for an offsite meeting at the next Commission meeting. 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**

**4. Oil and Gas Royalty Audit on State Endowment Trust Land Leases** – *Presented by Mike Murphy, Lands Bureau Chief – Endowment Leasing*

**5. Class II Underground Injection Control Program –**

*Presentations by:*

- *James Thum, Idaho Department of Lands*
- *Evan Osborne, Environmental Protection Agency*
- *Tom Neace, Idaho Department of Water Resources*
- *Ed Hagan, Idaho Department of Environmental Quality*

Following public testimony, at 3:01 p.m., a motion was made by Commissioner Classen to convene into Executive Session. Vice Chairman Shigeta seconded the motion and noted that the Commission will convene in Executive Session pursuant to Idaho Code § 74-206 to consider records exempt from disclosure as provided in Idaho Code § 74-206(1)(d) and to communicate with legal counsel regarding pending/imminently likely litigation as provided in Idaho Code § 74-206(1)(f). Roll Call Vote: *Aye:* Shigeta, Breedlovestrout, Classen, Schultz, Dickey; *Nay:* None; *Absent:* None.

Chairman Dickey called for a 5-minute break before entering Executive Session.

- **EXECUTIVE SESSION**

A. Idaho Code 74-206 (1)(d) - to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. [TOPIC: Attorney/Client Privileged Memorandum]

B. 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: CAIA v. Schultz, Idaho Federal District Court Case No. 1:17-cv-00264-BLW]

At 4:30 p.m., the Commission resolved out of Executive Session by unanimous consent. Chairman Dickey clarified that no action was taken by the Commission during the Executive Session.

There being no further business before the Commission, at 4:31 p.m. a motion to adjourn was made by Commissioner Classen. Commissioner Breedlovestrout seconded the motion. The motion carried on a vote of 5-0. Meeting adjourned.

