



IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chairman  
Marc Shigeta, Vice Chairman  
Jim Classen, Commissioner  
Dustin T. Miller, Commissioner

Mick Thomas, Secretary to the Commission

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Final Minutes  
Idaho Oil and Gas Conservation Commission Special Meeting  
December 9, 2020

The special meeting of the Idaho Oil and Gas Conservation Commission was held on Wednesday, December 9, 2020 with the physical location at Idaho Department of Lands, Garnet Conference Rooms, 300 N 6th Street, Suite 103, Boise, Idaho. There was also a teleconference option. The meeting began at 2:35 p.m. (MT). Chairman Betty Coppersmith presided. The following members were present:

Vice Chairman Marc Shigeta  
Commissioner Jim Classen  
Commissioner Dustin Miller

For the record, Commissioner Miller was present at the physical location. The other Commissioners and Secretary Thomas participated via teleconference.

At 2:35 p.m., a motion was made by Commissioner Miller 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. Commissioner Classen seconded the motion. Chairman Coppersmith stated a roll call vote is required. *Roll Call Vote: Aye: Shigeta, Classen, Miller, Coppersmith; 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: Docket No. CC-2016-OGR-01-001 and Application for Permit to Drill, Barlow #2-14]

At 3:41 p.m., the Commission resolved out of Executive Session by unanimous consent. Chairman Coppersmith stated that no action was taken by the Commission during the Executive Session.

- **REGULAR (ACTION)**

- 1. Commission Review of Issues Relating to Docket No. CC-2016-OGR-01-001 and Application for Permit to Drill, Barlow #2-14 (Possible Action)**

*DISCUSSION:* Chairman Coppersmith asked to hear comments from the other Commissioners. Commissioner Classen stated that he reviewed the letters and, being in the industry, he felt comfortable where they are without moving forward to delay decisions and believed that if the parties involved decide they need a lawsuit, then it is up to them to make that decision; he did not think the Commission needed to do anything. Commissioner Miller explained that he respectfully disagreed with Commissioner Classen. Commissioner Miller thought there were questions on whether the integration order applies here. Vice Chairman Shigeta noted that while he had mixed emotions, he would concur with Commissioner Miller. Chairman Coppersmith explained that after reviewing the letters and the 2016 order, she did not see where a definitive decision had previously been made, as well as the fact that it seems like this question keeps coming up. Chairman Coppersmith concluded that she believed it is a good practice to clarify issues like this so that folks like the operator know what the rules of engagement are going forward.

*COMMISSION ACTION:* A motion was made by Commissioner Miller that the Commission initiate a contested case and formal proceedings pursuant to Idaho Code § 67-5240, Idaho Code § 47-328(1), and IDAPA 04-11-01-104 for the purpose of determining whether the Integration Order and Docket No. CC-2016-OGR-01-001 applies to the permitted proposed Barlow #2-14 well. Vice Chairman Shigeta seconded the motion. The motion carried on a vote of 3-1 with Commissioner Classen voting nay.

*DISCUSSION:* Chairman Coppersmith inquired about the options for the contested case, to either appoint a hearing officer or have the Commission hear the case. Commissioner Classen stated to hire someone and to do this expeditiously. Chairman Coppersmith agreed and noted that she liked the idea of having someone else, a third party, analyze the information and make a recommendation for the Commission to consider.

*COMMISSION ACTION:* A motion was made by Commissioner Miller that for purposes of this initiated contested case that the Commission delegate its authority to hire a hearing officer to the Department, and the hearing officer shall submit a recommended order to the Commission. Chairman Coppersmith seconded the motion. The motion carried on a vote of 4-0.

There being no further business before the Commission, at 3:51 p.m. a motion to adjourn was made by Commissioner Classen. Vice Chairman Shigeta seconded the motion. The motion carried on a vote of 4-0. Meeting adjourned at 3:53 p.m.

