

RECORD OF PROCEEDINGS

October 3, 2018

The Colorado Oil and Gas Conservation Commission (“COGCC” or “Commission”) met on October 3, 2018, at the Wasatch Hearing Room, COGCC Office, 1120 Lincoln Street, Suite 801, Denver, CO 80203. The hearing was primarily focused on Hearing Process and Pooling Rulemaking. There was also a Consent Agenda considered, as requested by the Commission at the September 17 & 18, 2018, hearing.

Wednesday, October 3, 2018

9:00 am Roll Call of Commissioners:

Present:

John Benton	Chair
Howard Boigon	Vice Chair
Ashley Ager	Commissioner
Bill Hawkins	Commissioner
Kent Jolley	Commissioner
Karin McGowan	Commissioner
Erin Overturf	Commissioner
Bob Randall	Commissioner

Staff present:

Julie Murphy	Director
Kyle Davenport	Assistant Attorney General
Julie Prine	Secretary

9:02 am Public Comment:

No public comments provided

9:10 am Commissioner Holton arrived

Motion:	Commissioner Hawkins moved to enter Executive Session to accept legal advice on filed Motion to Strike and Responses.		
Second:	Commissioner Overturf		
Yea:	Ager, Benton, Boigon, Holton, Jolley, McGowan & Randall	Abstain:	None
Nay:	None	Recused:	None
Result:	Motion passed 9-0		

* Commission proceedings began at 9:00 am MDT on October 3, 2018. Time stamps provided throughout these minutes reflect the approximate time of day that the agenda item was addressed by the Commission. The audio recording of this Hearing can be found at <https://www.youtube.com/watch?v=-3TRQVFvi08>

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Motion:	Commissioner Hawkins moved to exit Executive Session.		
Second:	Commissioner Randall		
Yea:	Ager, Benton, Boigon, Holton, Jolley, McGowan & Overturf	Abstain:	None
Nay:	None	Recused:	None
Result:	Motion passed 9-0		

9:40 am **Procedural Matter:**

Industry Parties' Motion to Strike Portions of Party Prehearing Statements, Responses from Adams County, Affiliated Local Governments, and Incline Parties. The Commission opts not to hear oral argument from any of the Parties on the Motion.

Motion:	Commissioner Hawkins moved to deny the Motion so that all Parties to the Rulemaking could be heard.		
Second:	Commissioner Overturf		
Yea:	Ager, Benton, Boigon, Holton, Jolley, McGowan & Randall	Abstain:	None
Nay:	None	Recused:	None
Result:	Motion passed 9-0		

Staff Presentation:

Director Murphy and Secretary Prine provided Commissioners with an overview of proposed rule changes and explanations for why staff made proposed changes. Director Murphy also expressed appreciation for all of the Parties who provided recommendations and consultation to staff on proposed rules.

Secretary Prine recited language found in the Notice of Rulemaking that provided scope for the rulemaking changes:

In 2018 the Colorado General Assembly passed, and Governor Hickenlooper signed, SB18-230 which modified §34-60-116, C.R.S. Some of the statutory changes made by this Bill conflict with current Commission rules. Those conflicting rules require amending to ensure statutory compliance. Also, the Commission is attempting to streamline its current application process to address the increasing backlog of applications it has pending. The Commission has the authority to conduct this rulemaking pursuant to §§ 34-60-105(1), 34-60-108, and 34-60-122(1)(a), C.R.S.

Party Presentations:

The Parties provided presentations in the following order:

- Incline Parties (Incline Energy Partners, Incline Niobrara Partners, Apollo Operating, HERV Oil, Ironhorse Exploration Partners, Okreek Oil & Gas, Rocky Miller, Western Colorado Energy, Wolf Resources)

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- League of Oil & Gas Impacted Coloradoans (LOGIC)

12:25 pm Lunch Break

- 1:05 pm
- Adams County Board of Commissioners
 - Affiliated Local Governments (Boulder County, City of Lafayette, City & County of Broomfield, Town of Erie)
 - Colorado Alliance of Mineral and Royalty Owners (CAMRO)
 - City of Boulder
 - Colorado Oil & Gas Association (COGA)
 - Colorado Petroleum Council / American Petroleum Institute (CPC/API)
 - Conoco Phillips, Crestone Peak Resources, Great Western Operating, HighPoint Operating, Mallard Exploration, URSA Resources
 - Extraction Oil & Gas
 - Garfield County
 - PDC Energy

7:30 pm **Consent Agenda:**

Motion:	Commissioner Boigon moved to approve Consent Agenda, excluding matters 180400284 and 180400300		
Second:	Commissioner Holton		
Yea:	Ager, Benton, Hawkins, Jolley, McGowan, Overturf & Randall	Abstain:	None
Nay:	None	Recused:	None
Result:	Motion passed (9-0).		

Motion:	Commissioner Holton moved to approve Consent Agenda matters 180400284 and 180400300		
Second:	Commissioner Jolley		
Yea:	Ager, Benton, Hawkins, McGowan, Overturf & Randall	Abstain:	Boigon
Nay:	None	Recused:	None
Result:	Motion passed (8-0).		

7:47 pm **Rulemaking Record Closed and Commissioner Deliberations:**

Motion:	Commissioner Boigon moved to approve proposed rules as drafted by staff.		
Second:	Commissioner Jolley		
Yea:	Benton, Holton	Abstain:	None
Nay:	Ager, Hawkins, McGowan, Overturf, Randall	Recused:	None
Result:	Motion failed (4-5).		

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Motion:	Commissioner Randall moved to adjourn		
Second:	Commissioner Holton		
Yea:	Ager, Benton, Boigon, Hawkins, Jolley, McGowan & Overturf	Abstain:	None
Nay:	None	Recused:	None
Result:	Motion passed (9-0).		

Approved General Consent Orders: See Appendix A

-END-

FOR THE COLORADO OIL AND GAS
CONSERVATION COMMISSION



Julie Spence Prine, Secretary

Approved:



John Benton, Chair