

**STATE OF NEW MEXICO**  
**OIL CONSERVATION COMMISSION**  
**Meeting Minutes**  
**Regular Meeting**  
**February 9, 2023**

The Oil Conservation Commission meeting was held via Webex Meeting Platform.

**MEMBERS PRESENT:**

Dylan Fuge	Acting Chair, Oil Conservation Division
Greg Bloom	Designee, New Mexico State Land Office Commissioner
William Ampomah	Designee, Energy, Minerals and Natural Resources Department

**OTHERS PRESENT:**

Gabriel Smith, Commission Counsel  
Florene Davidson, Commission Clerk

The hearing was called to order by Acting Chair Fuge at approximately 9:01 a.m. He introduced Gabriel Smith with the Office of the Attorney General as the new Commission counsel.

**Item 1.** Roll Call.

**Action:** Roll was taken; a quorum was present.

**Item 2.** Approval of the Agenda.

**Action:** Commissioner Bloom made a motion to adopt the February 9, 2023 agenda and Commissioner Ampomah seconded the motion. A roll call vote was taken. The motion carried unanimously.

**Item 3.** Approval of the January 12, 2023 Meeting Minutes

**Action:** Commissioner Bloom made a motion to approve the January 12, 2023 minutes and Commissioner Ampomah seconded the motion. A roll call vote was taken. The motion carried unanimously.

**Item 4.** A status conference was held on the following cases: Chevron Cases 22871, 22872 and Cimarex Cases 23088-23091, pooling cases that are being heard directly by the Commission under Order No. R-22412; Devon De Novo Case 23035: Devon appeal of Division Order No. R-22205 addressing Devon Cases 22179-22180, 22382 and Cimarex Cases 22313-22316; Cimarex De Novo Case 23049: Cimarex appeal of Division Order No. R-22204 addressing Chevron Cases 22343-22344 and Cimarex Cases 22519-22520.

**Action:** Appearances were made by Michael Feldewert for Chevron USA Inc. (Chevron) and Devon Energy Production Company, L.P. (Devon); James Bruce for Cimarex Energy Co. (Cimarex); and Earl DeBrine for Cimarex and Devon. An overview was presented of these cases which seek approval of the compulsory pooling of the Wolfcamp and Bone Springs formations in various wells. The cases have been continued to the May 11, 2023 Commission hearing. Mr. Bruce advised that he has a conflict with the April and May hearing dates. A discussion was held, and all parties agreed to set the cases for the June 8, 2023 Commission hearing. Acting Chair Fuge requested that an Undisputed Statement of Facts be delivered to the Commission one week before the hearing. De Novo Case 23035 was continued to the July 13, 2023 Commission hearing. Cases 22871, 22872, and 23049 were continued to the evidentiary hearing on June 8, 2023. A scheduling order will be delivered to all parties.

**Item 5.** YUCCA discussion

**Action:** Norm Gaume, who was involved in the penalty rulemaking case, made an appearance representing YUCCA. Acting Director Fuge advised that the questions being presented by YUCCA are not related to a specific case before the OCC, and they could be answered by an IPRA request. Mr. Gaume and Bianca, a member of YUCCA, advised that spills were made illegal by OCD rule on August 21, 2021, and only one penalty has been assessed by OCD since that time. Mr. Gaume asked that the Oil Conservation Division (OCD) come before the Commission and report on what is being done to stop these spills. Acting Chair Fuge advised that the OCC is the appellate party for the OCD, and the OCD is the proper entity to answer the questions. Other YUCCA members joined the meeting and requested a status report from OCD staff to be presented to the Commission at its next meeting. Commissioner Ampomah advised that there are limitations as to what the OCC can do and these questions should be addressed to the OCD. Mr. Gaume asked if a petition could be presented to the OCC to require that the OCD appear at the next OCC meeting and explain why penalties are not being assessed. Counsel Smith advised that he is not that familiar with OCC rules yet but would be happy to follow up at a later date. Mr. Gaume stated his belief that the OCD and OCC have the responsibility to protect human health and the environment and should look into this matter under those responsibilities. He will work with the Commission counsel to determine the best way to proceed with this request. The matter was set for a status report on March 9, 2023.

**Item 6:** Other business.

**Action:** Counsel Smith has been added as counsel for pending cases.

**Item 7.** Next meeting

**Action:** The next meeting will be held on March 9, 2023.

**Item 8:** Adjournment

**Action:** Acting Chair Fuge adjourned the meeting at 9:53 a.m.



Dylan Fuge  
Acting Chair