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STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

Meeting No. 2499 715 4001

Moderated by Dylan Fuge  
Thursday, April 13, 2023  
10:00 a.m.

Wendell Chino Building  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Reported by: Dana Fulton  
JOB NO.: 5531750

A P P E A R A N C E S

List of Attendees:

Dylan Fuge, Host

Florene Davidson, Host

Chris Moander, Panel

Jesse Tremaine, Panel

Million Gebremichael, Panel

John Micholson, Panel

Jennifer Johnson, Panel

Adam Rankin, Panel

Dana Hardy, Panel

Greg Bloom, Panel

William Ampomah, Panel

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P R O C E E D I N G S

MR. FUGE: We're ready to go ahead and get started. We have a quorum of a commission here, so I will start with a quick roll call. Dr. Ampomah?

DR. AMPOMAH: I am Dr. William Ampomah. I am a representative of the energy secretary; also a professor at New Mexico Tech.

MR. FUGE: Commissioner Bloom?

MR. BLOOM: Yes. President and I'm the designee of the Commission for Public Lands.

MR. FUGE: And we can note for the record that I'm here. Dylan Fuge, acting director of the OCD, and by statute also acting chair of the OCC. Before we start working through the agenda items, just so everyone's on the same page, on the published agenda we had some tweaks because of some continuance of cases that were on the originally published agenda.

The agenda we're operating off of is the one that was emailed around as the final agenda three days before the hearing. Also just want to announce, sort of in announcements, our -- we're having a switch in commission counsel. Our current commission counsel, Gabriel Smith, last day of the AG's office is tomorrow, or today? Tomorrow.

So I wanted -- I wanted to thank him

1 for the support, and I also wanted to introduce his  
2 successor, Emily Bowen, who recently joined the open  
3 government division, and so she will be commission  
4 counsel -- virtual connectivity interruption -- just  
5 sort of a warning that there will be some changes as  
6 we move around. So again, just pay attention to the  
7 meeting notices.

8 And again, consistent with it all, we  
9 will have options for, you know, virtual participation  
10 by witnesses, counsel, other things like that. So all  
11 meetings will be accompanied by a WebEx login,  
12 consistent with, you know, prior practice. So  
13 that -- that will be maintained going forward. And  
14 with that, I will kick this off to the first item on  
15 it, approval of the agenda for today's meeting. And  
16 again, that's the agenda that went out three days  
17 before. Motion?

18 MR. BLOOM: I moved to -- for the  
19 agenda.

20 DR. AMPOMAH: Second.

21 MR. FUGE: Do a quick roll call.  
22 Commissioner Ampomah?

23 DR. AMPOMAH: Approved.

24 MR. FUGE: Commissioner Bloom?

25 MR. BLOOM: Approved.

1 MR. FUGE: You can note for the record  
2 my approval as well. We should have also circulated  
3 the March -- meetings from the March 9, 2023 meeting  
4 minutes. Do you have any comments or additions to  
5 those minutes? Otherwise, can I get a motion for  
6 approval?

7 DR. AMPOMAH: Does chair also move?

8 MR. FUGE: Approved.

9 DR. AMPOMAH: Second.

10 MR. FUGE: Commissioner Ampomah?

11 DR. AMPOMAH: Approved.

12 MR. FUGE: Mr. Bloom?

13 MR. BLOOM: Approved.

14 MR. FUGE: Record notes that  
15 Commissioner Fuge also voted in the affirmative. I'm  
16 going to look to commission counsel, but I don't think  
17 there are any -- there's any sort of need for a verbal  
18 report on the pending litigation update. I think it's  
19 covered in the agenda. We just had a substitution of  
20 counsel, and no -- no updates in the other pending  
21 case.

22 So hearing none there, I'm going to  
23 move to the next, which are status conferences in a  
24 couple of pending cases before the commission. And I  
25 believe -- looking at the list, I think counsels for

1 all are there. Attorney Hardy, I believe the first  
2 two cases, 14720 and 23463 are yours; is that correct?

3 MS. HARDY: That's correct.  
4 Commissioner and chair. Commissioner is Dana Hardy  
5 with Hinkle Shanor on behalf of Targa Northern  
6 Delaware, LLC.

7 MR. FUGE: All right. Let's start  
8 with -- and I believe the only other party relevant to  
9 it is the OCD; is that correct? For those cases?

10 MR. TREMAINE: Yes, Mr. Chair. This is  
11 Jesse Tremaine, for the Oil Conservation Division.

12 MR. FUGE: Okay. Case number -- let's  
13 start with case number 14720. Just stating for the  
14 record, this looks like just a status report required  
15 for the prior order. Is there any commission action  
16 or other things required of the commission beyond just  
17 a referral of the data to OCD for review?

18 MS. HARDY: Mr. Chair, in accordance  
19 with paragraph 2D of order R13507D, we are presenting  
20 the updated modeling and data in relation to the  
21 order's requirements regarding plugging of the  
22 government number one well, and we are coming to  
23 request that that requirement be eliminated from the  
24 order. The requirement that the well be plugged, in  
25 accordance with paragraph 2D of that order.

1 MR. FUGE: Okay. So that's basically a  
2 requested modification of that paragraph, then? Just  
3 for clarity?

4 MS. HARDY: For clarity, actually,  
5 paragraph 2D states that after we submit this data and  
6 model, we can request that the commission eliminate  
7 the government -- number one pre-plugging requirement.

8 MR. FUGE: Okay.

9 MS. HARDY: So that's what we're  
10 requesting. And we are prepared to -- we have a  
11 presentation regarding that data that we're here  
12 to -- to provide the commission.

13 MR. FUGE: Okay. OCD, does the OCD  
14 have a -- Mr. Tremaine, does the OCD have a position  
15 on -- position on this request?

16 MR. TREMAINE: Not until after review  
17 of the presentation and consultation with the  
18 technical staff.

19 MR. FUGE: Okay. Sorry, Mr. Tremaine.  
20 Did you have something else?

21 MR. TREMAINE: No. That was it; thank  
22 you.

23 MR. FUGE: Ms. Hardy, has the  
24 presentation been provided? Or is that something that  
25 you -- that you would intend -- you would intend to

1 present at the commission's pleasure? I'm just  
2 wondering if the OCC's had a chance to review it, and  
3 if a more efficient setup would be for the  
4 presentation to be submitted, so we could just have  
5 it -- tee it up for the next hearing, and be prepared  
6 to just resolve it then.

7 MS. HARDY: Mr. Chair, we did file the  
8 presentation with the commission initially in  
9 November, and then we provided an updated version at  
10 the end of March. And I think our preference would  
11 be, if it's acceptable to the commission, that we go  
12 through it today. I think Dr. David, too, is here  
13 from New Mexico Tech to review the data, if that would  
14 be helpful to the commission.

15 MR. FUGE: I'm looking at my fellow  
16 commissioners, and also noting for the record  
17 Commissioner Ampomah reported that he worked on AGI  
18 number one, so has recused himself from consideration  
19 of this matter. So Commissioner Bloom, would it be  
20 helpful to hear the presentation today, so then we can  
21 tee it up for decision at the next one? Do we want  
22 to?

23 MR. BLOOM: I'd rather get that  
24 information ahead of time, review it, and then hear  
25 it.

1 MR. FUGE: Okay.

2 MR. BLOOM: Thank you.

3 MR. FUGE: Okay. And I think we'd  
4 like -- Mr. Tremaine, am I -- am I understanding your  
5 position that you have not gotten feedback from OCD  
6 yet on the presentation or the request?

7 MR. TREMAINE: Essentially, Mr. Chair,  
8 yes. I have talked with the division about this case  
9 at some length, but my understanding was today was for  
10 a status conference. So I may have simply  
11 misunderstood, but I thought this was going to be  
12 presented at a later date, after OCD had  
13 reviewed -- reviewed that material. So my  
14 understanding is that the division's been in contact  
15 with Targa, but we were not expecting a hearing to  
16 occur today.

17 MR. FUGE: Okay. Would the parties be  
18 opposed to setting this for, you know, presentation  
19 and hearing at the next meeting, which is forming on  
20 May 9th? Eleventh. On May 11th, would the parties be  
21 prepared to proceed?

22 MS. HARDY: That's fine with Targa,  
23 Mr. Chair.

24 MR. TREMAINE: Yes, Mr. Chair.

25 MR. FUGE: Okay. All right. I'm going

1 to go through all of these at once, and then we can  
2 kind of just wrap it up in bulk. Anything else on  
3 14720? Otherwise I'd like to move to case number  
4 23463.

5 MS. HARDY: I don't have anything  
6 further on 14720.

7 MR. FUGE: Ms. Hardy, can you please  
8 just give us a kind of high-level overview on 23463,  
9 where it stands with respect to the parties, and in  
10 particular at, you know, Targa's compliance with, or  
11 ability to comply with, any applicable notice  
12 requirements in your summary associated with the  
13 application?

14 MS. HARDY: Sure. Targa submitted its  
15 C108 on February 20, 2023, seeking authorization to  
16 drill and operate the Red Hills AGI well number three,  
17 at Targa's natural gas processing facility in Lea  
18 County. Due to circumstances involving Targa's other  
19 AGI wells at the facility, Targa has an imminent need  
20 to commence injection into its AGI number three.

21 Targa's AGI number one, which is the  
22 subject of the case were just discussing, 14720, has  
23 limited injection capacity. And with respect to  
24 Targa's Red Hills AGI number two, which it was  
25 drilling under order number R20916H, completion of

1 that well has been postponed due to technical  
2 complications encountered within the Cherry Canyon  
3 formation. And as a result, Targa has filed a C103 to  
4 temporarily abandon that well, and submitted to the  
5 commission an administrative request to extend the  
6 deadline to commence injection into AGI number three  
7 until October of 2024.

8 So, because AGI one has limited  
9 injection capacity and Targa's ability to complete AGI  
10 two has been delayed, Targa needs the injection  
11 capacity of AGI three to serve the facility.

12 Otherwise, customers who rely on the wells will  
13 not -- will be required to shut in, or alternatively,  
14 to vent or flare natural gas, resulting in waste and  
15 violating corrosive rights. So Targa in essence has  
16 an urgent need to commence injection into the AGI  
17 three, and requests that the commission set a hearing  
18 on the C108 as soon as possible, either on a special  
19 hearing date or on the May docket.

20 And once we have that hearing date, we  
21 will send out the hearing notices. We haven't sent  
22 them yet to the parties, because we need a hearing  
23 date to do that. So we would need notice of the  
24 hearing to go out 20 days before the date that's  
25 selected. And we are prepared to send them out

1 as -- as soon as we have the date.

2 MR. FUGE: Mr. Tremaine, what's OCD's  
3 position on status of the case, readiness to proceed,  
4 hearing timing?

5 MR. TREMAINE: The division is  
6 reviewing the technical information, and does not  
7 oppose the extension of injection authority deadline.  
8 And I think this also would be -- would work for the  
9 5/11 hearing date.

10 MR. FUGE: Just a quick question for  
11 the record. My understanding was that AGI three was  
12 new, and that -- is the extension for AGI two -- is  
13 there an existing approval for AGI three? I thought  
14 it was a net -- new well, Ms. Hardy.

15 MS. HARDY: You're correct, Mr. Chair.  
16 AGI three is a new well, and AGI two is the well for  
17 which Targa has submitted an administrative extension  
18 request.

19 MR. FUGE: Got it. Okay. I'm going to  
20 look to my fellow commissioners. Do you have any  
21 questions about the application, or any concerns with  
22 setting this? I mean, looking at the notice  
23 requirements under the rules, I think the February  
24 11th date's appropriate, because even if you set a  
25 special date, it would only be kind of barely a week

1 before it. But any concerns or questions about the  
2 application or otherwise, are we comfortable setting  
3 it for -- before I schedule it for a February 11th  
4 hearing? May 11th, not February 11th. May 11th.

5 MR. TREMAINE: Mr. Chair, I think we  
6 could do this on May 11th.

7 DR. AMPOMAH: When would we get the  
8 packet to review?

9 MR. FUGE: We can start distributing  
10 that information. We have the packet that was  
11 submitted and other pieces, so we can -- we can  
12 distribute those -- those materials quickly, in  
13 addition to anything else provided kind of consistent  
14 with the filing deadlines and things like that.

15 DR. AMPOMAH: Okay. I don't have any  
16 problem.

17 MR. FUGE: Okay. Let the record  
18 reflect we're setting 23463 also for the February  
19 11th -- May. May 11th. I don't know why I'm stuck on  
20 February. The May 11th hearing. Any other comments  
21 or questions on that application?

22 MS. HARDY: Nothing further from Targa.  
23 Thank you.

24 MR. FUGE: Ms. Hardy, correct me here,  
25 but I believe 232 -- are 23294 and 23464 also yours?

1 Or is that incorrect?

2 MS. HARDY: That's correct, and if we  
3 could take a five-minute break, just so I can switch  
4 computers, then --

5 MR. FUGE: Yes. 100 percent.

6 MS. HARDY: I really appreciate it.  
7 Thank you very much. We'll be quick.

8 MR. FUGE: All right.

9 MS. HARDY: Thank you.

10 (Off the record.)

11 MS. HARDY: Sorry about this. We had a  
12 technical glitch with my computer.

13 MR. FUGE: No worries. Kick it off  
14 with the same question. Can you -- and actually,  
15 rather than going through them individually, at least  
16 my read of the two requests is they are interrelated,  
17 23294 and 23464. Can you just walk us through  
18 the -- again, my quick -- my initial review is kind of  
19 interrelated requests, timing, sort of other pieces?

20 MS. HARDY: Okay. Can you hear me now?

21 MR. FUGE: Yes.

22 MS. HARDY: Okay. Thank you. Sorry

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1 about that. We're having technical difficulties.  
2 You're correct, Mr. Chair; these requests are  
3 interrelated.

4 In case 23294, we have requested an  
5 extension of six months to commence injection into the  
6 well. And in case 23464, we request an extension of  
7 the injection line -- injection deadline of 24 months  
8 from the date of the amendment order, as well as  
9 approval of an amended C108 that includes a new well  
10 location and well design.

11 So if the 24-month extension were to be  
12 granted, the six-month extension would no longer be  
13 necessary. And I do have here today, we are prepared  
14 to present a -- a short presentation consult for you  
15 on the status of the well, where we are today, and the  
16 reasons for the request, if that would be helpful.

17 MR. FUGE: I think if you could just  
18 give us a -- a high-level summary, just for purposes  
19 of assessing status of the cases and then scheduling  
20 them for hearing, that would be helpful.

21 MS. HARDY: Sure. So the status is  
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1 that there were complications drilling the AGI number  
2 one. And as a result of those complications, Salt  
3 Creek has submitted an amended C108 that changes the  
4 proposed well design and the well location. But those  
5 are the only changes that are proposed.

6 So we are seeking approval of those,  
7 and as a result of needing to make those changes,  
8 we've included an extension of the injection deadline  
9 for 24 months from the date of the amendment order.  
10 We would like a hearing as soon as possible on this  
11 well. A hearing date is needed to provide clarity to  
12 Salt Creek on their commercial plans and to proceed  
13 with the well.

14 MR. FUGE: And so I guess my only  
15 question, then, is understanding ask for an immediate  
16 hearing date. But why the longer request on the  
17 extension of time? Just out of curiosity.

18 MS. HARDY: The 24-month extension?

19 MR. FUGE: Yeah.

20 MS. HARDY: The -- the request was  
21 extended due to -- really, that we need to start the  
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1 well over, and move the location. We had sidetracked  
2 the original well and made several efforts to complete  
3 it, but weren't able to do that. So as a result of  
4 those changes, additional time's necessary to -- to  
5 drill and complete.

6 MR. FUGE: And then as -- and then as  
7 you said at the outset, commission action on 23464, if  
8 we were to grant the 24-month extension in addition to  
9 the amended C108, that would essentially moot the  
10 relief requested by 23294?

11 MS. HARDY: That's correct.

12 MR. FUGE: Mr. Tremaine, does the OCD  
13 have a position on the applications? And I guess more  
14 relevantly, a position on timing of when those  
15 applications -- when it would be ready to participate  
16 in a hearing on those applications?

17 MR. TREMAINE: Sure. Mr. Chair, I will  
18 try to briefly summarize both simultaneously, since  
19 they're interrelated. OCD has had extended  
20 discussions with Salt Creek about the AGI number one,  
21 and has had ongoing communications with them about the  
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1 need to restart the well with the new C108, new  
2 technical specs, and a new surface location. Minor  
3 change to the surface location.

4 So based on those ongoing discussions,  
5 OCD does not have any objection to the extension of  
6 the injection authority presented in 23294. In terms  
7 of the case 23464, the division has received the  
8 updated application and continues to review those  
9 technical updates.

10 I do expect to present for the division  
11 some questions at the merits hearing on this, kind of  
12 clarifying some open questions about the feasibility  
13 of the well and the exact surface location. So we  
14 don't have a final -- we don't have a final position  
15 on that application today, because OCD does have  
16 some -- some pending questions.

17 And we will continue to consult  
18 with -- with Salt Creek during that process, so we may  
19 be able to resolve some of those outstanding questions  
20 in advance of the hearing. I think that this is  
21 another one that could be set for May 11th.

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1                   MR. FUGE: Ms. Hardy, I'm assuming Salt  
2 Creek's prepared to issue any required notices in  
3 advance of the May 11th hearing?

4                   MS. HARDY: That's correct, Mr. Chair.

5                   MR. FUGE: All right. To tie up all of  
6 these in a bow into reflection of the record, and  
7 looking at my commissioners, we've set all of these  
8 for -- we've set cases and I'm going to run through  
9 them in order, so we can just tie it off with a  
10 closing motion. But we have set all of the cases on  
11 the agenda today, for status conferences, for hearing  
12 on the May -- the May 11th standing hearing date, we  
13 are going to move through the cases in the following  
14 order.

15                   This is for the benefit of the parties  
16 and other preparations. 14720 will go first. 23463  
17 will go second. 23464 will go third, and then I think  
18 actually -- sorry, scrap that. My proposal will be,  
19 23464 will go, and as part of that, they should cover  
20 any issues related to 23294 at the same time.

21                   I didn't hear anything in the  
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1 presentation, but otherwise we'll just issue a  
2 scheduling order with a standard prefiling deadlines  
3 as specified in our -- our rules. If my commissioners  
4 are comfortable with that, can I get a motion to  
5 approve that schedule?

6 MR. TREMAINE: Mr. Chair, one question.  
7 Do we think we can cover all of these in that one day?  
8 Or might we be looking at a two-day hearing? I  
9 typically reserve both the Thursday and Friday for  
10 these meetings.

11 MR. FUGE: That's a reasonably heavy  
12 docket. We also have an enforcement status report  
13 from the OCD coming in prior, so I would anticipate a  
14 potential spillover for kind of planning and  
15 administrative purposes, that this will be May 11th,  
16 May 12th, as a possibility. Does that work for you,  
17 Commissioner Ampomah?

18 DR. AMPOMAH: Yes, that works.

19 MR. TREMAINE: Okay. Mr. Chairman, I  
20 would move to proposed order.

21 MR. FUGE: Commissioner Ampomah?  
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DR. AMPOMAH: Approved.

MR. FUGE: Commissioner Bloom?

MR. BLOOM: Approved.

MR. FUGE: Let the record reflect Commissioner Fuge also approved. With that, I think we can move on to the next order of business, unless parties have any other issues to raise in the status conference.

MS. HARDY: Nothing further from Salt Creek. Thank you very much for your time today.

MR. TREMAINE: Nothing further from the OCD. Thank you.

MR. FUGE: All right. Moving through the next item that was just listed on the agenda, adjudications. We had some on the docket there, as everyone saw; cases 21744, 22018, and 22019 were continued for hearing at the request of the parties until the June 8, 2023 OCC hearing. I'm going to look around to the commissioners. Do we have any other business to discuss today?

DR. AMPOMAH: Not from my side.

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MR. FUGE: Commissioner Bloom?

MR. BLOOM: No.

MR. FUGE: Our next meeting will be May 11, 2023. Will likely be May 11th and May 12th, given that we set four cases for hearing. So it'll be the 11th and 12th; and as I said at the top of the meeting, please look for the meeting announcement for details, in terms of meeting location and other logistics. Hearing no other business and seeing no other hands raised, I am going to adjourn the meeting. Thank you everyone, and we will see some of these folks next week for what will be -- or next month for what will be a reasonably long hearing. Thank you very much.

(Whereupon, the meeting concluded at 10:38 a.m.)

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CERTIFICATE OF DEPOSITION OFFICER

I, DANA FULTON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



DANA FULTON  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, DANIEL WEINER, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



DANIEL WEINER

[100 - approval]

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[approval - conferences]

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[extension - injection]

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[tremaine - yeah]

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