

Oil and gas commissioners terminate rule making process

By KEITH RIDLER, Associated Press

BOISE, Idaho (AP) — The Idaho Oil and Gas Conservation Commission has decided it won't use an option made available by lawmakers intended to speed the commission's natural gas and oil decision making process.

With a 3-0 vote Wednesday, the commission chose not to exempt itself from the contested case provision in Idaho law. Specifically, the commissioners voted to terminate negotiated rulemaking that had been underway and adopted a policy to use the Idaho Administrative Procedures Act where Idaho's oil and gas statutes and rules don't provide procedures.

"I think it was the logical conclusion," said Chairman Chris Beck. The rulemaking "wasn't going to solve the full problem."

Commissioner Margaret Chipman said a new round of negotiated rulemaking for Idaho's oil and gas industry could take place in the future.

The Idaho Conservation League had been concerned ever since lawmakers passed House Bill 123 earlier this year, contending it could limit the rights of residents.

Justin Hayes, the conservation league's program director, said voting to end negotiated rulemaking was just putting off the inevitable. But he said the commission opting to use the state's Administrative Procedures Act was good.

"I think that's really strong and really smart," he said. "That makes sure that everyone in the interim does have their due process assured."

Idaho officials have been working hard and have had good success, particularly in the last Legislative session, in putting in place rules for the oil and gas industry that has been drawn to the state with new technologies that make drilling profitable.

A Texas oil company, Houston-based Alta Mesa, has been active in southwest Idaho, but at times has also expressed concern at how slow a process it can sometimes be in the state.

"We understand that this is the new frontier," said Mike Christian, an attorney for the company. "We've been involved from the beginning in modernizing both the rules and the statutory framework. And we know everybody has a learning curve to get up — including us, frankly — in operating in a place that doesn't have experience with our kind of operation."

