



IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chair
Ray Hinchcliff, Vice Chair
Jim Classen, Commissioner
Dustin Miller, Commissioner
Jennifer Riebe, Commissioner

Mick Thomas, Secretary to the Commission

Final Minutes
Idaho Oil and Gas Conservation Commission Regular Meeting
February 21, 2023

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Tuesday, February 21, 2023, with the physical location at Boise City Council Chambers, Boise City Hall, 3rd Floor, 150 N. Capitol Blvd., Boise, Idaho. The meeting began at 1:32 p.m. (MT). Chairman Betty Coppersmith presided. The following members were present:

Vice Chairman Ray Hinchcliff – *via virtual means*
Commissioner Jim Classen
Commissioner Dustin Miller
Commissioner Jennifer Riebe

For the record, a quorum was in attendance; four Commissioners and Secretary Thomas were present at the physical location. Vice Chairman Hinchcliff attended via virtual means.

- **ANNOUNCEMENTS**

Chairman Coppersmith provided an overview of the agenda and explained that there will be an executive session with no action items after the executive session. Chairman Coppersmith acknowledged that there was a quorum.

1. **Division Administrator's Report**

- A. Financial Update

Commissioner Classen asked for a short course on the two funds. Secretary Thomas explained that we do not delineate, for example, operational costs out of one fund and personnel costs out of another fund; we pool out of both of them. Chairman Coppersmith inquired if we expect any out of the ordinary expenses looking forward. Secretary Thomas responded that we do not foresee any out of the ordinary expenses and do not envision any changes in staff in this fiscal year. He added that it has been a good year for oil and gas in the state and hopes that it continues and forecasts in the near future that it will continue.

- B. Current Oil and Gas Activity

Commissioner Riebe asked for a breakdown or summary of the numbers. Secretary Thomas stated that he would send it out in an email and include it in the March Secretary update. Commissioner Classen clarified that the operator received roughly seven times what they gave out as royalty. Secretary Thomas responded yes, roughly, assuming 1/8 royalty. Commissioner Classen stated

that was a big chunk and would help pay for the processing plant and they are finally making a little money.

C. Status Update

- i. Class II Injection Well – Permit Status
- ii. Tracy Trust #3-2 well status update

Vice Chairman Hinchcliff asked if the department will make a final inspection once the well is plugged. Secretary Thomas responded yes, that was correct. Commissioner Miller inquired if there was any other proposed activity for the Hamilton Field because the Tracy Trust well is the only well there that has been shut in. Secretary Thomas responded that Commissioner Miller was correct and that there was no more activity that they are aware of for the Hamilton Field. He added that there were some historical wells in that field that did produce and that they have been plugged and abandoned and are no longer tracked in this report. Secretary Thomas believes that the majority of interest right now is probably closer to the Idaho/Oregon line, up in the Harmon Field.

• **CONSENT – ACTION ITEM(S)**

2. **Approval of Minutes – November 15, 2022 – Regular Meeting (Boise)**

DISCUSSION: Chairman Coppersmith noted that they did have a lengthy discussion about the injection well during the update and assumed that everyone had a chance to review and asked for a motion to accept. Commissioner Riebe announced that she had a couple of changes. She noted that she is not used to seeing minutes for public meetings that are more of a transcript style, so she went through with her red pen and made changes expecting to change them, but was under the impression that this is the style of minutes that we typically use and asked if that was correct. Commissioner Classen responded that it varies. Secretary Thomas explained that the minutes are designed to be easily read, and that we can deviate from a specific word-for-word transcript and eliminate, frankly, all of the "um," "ah," "uh," that kind of stuff which is now going to be, ironically, in the next transcript, which is hilarious. He added that regarding any changes they have, they can provide those to our staff then we'll make those changes and then we can vote on the minutes at the next meeting; if that is okay with them. Commissioner Riebe responded that was fine, and that she would prefer to do that herself, if that was okay with everybody else. She stated that she did talk to James Thum, and he said that he thought that we were required to write pretty much verbatim from the recording what was said. Secretary Thomas clarified that it is important to be as factual as possible and gave an example that when he was reading the minutes from the last meeting, he read parts of it and realized, "oh wait, this is what I meant to say, but it wasn't what I said," but he does not have that sort of authority to change wording to that degree. Commissioner Riebe understood and stated she sees it more as taking out some of the more conversational pieces, like the "ums" and "ahs" and statements that are repeated just because we're thinking out loud. Secretary Thomas responded fair enough. Commissioner Riebe explained that she was happy to read through these minutes over the weekend and asked if it's possible to get them in a document form that she can revise rather than just doing it by hand.

Renee Jacobsen, Management Assistant, explained that typically we summarize the meeting for the minutes but that there are times when the discussion is so lengthy it takes more time on our part to do the summary and that is why occasionally you'll see them in more that verbatim. She added that

we do try to eliminate all of the extra repetitive thoughts, and certainly if you're saying "so," "um," "ah," that is typically something we try to do, so if we didn't this time, she apologizes. Commissioner Riebe responded that was fine; that it's more of just a style that she is used to and guessed that she is little bit particular about minutes because it is the record that people will look to. She added if they don't have the video capability or want to go back and see the recording, they'll read the minutes, so she thinks it's important to have it most accurately reflect what was discussed. She thought when it's conversational, she personally finds it hard to parse through and figure out what was actually said beyond the conversation. Ms. Jacobsen responded that sometimes it's just the time. Ms. Jacobsen compared it to Land Board and that they used to also summarize Land Board but that it got to the point where it was taking so much longer to try and summarize, and you get into the possibility that in trying to clean up what is being said, or what was intended, we're maybe overreaching what we ought to be doing. She stated it's true that the transcript does show occasional little eccentricities in the manner of speaking, but if anyone were to get the recording that is exactly what they would hear. Ms. Jacobsen noted that we're open to suggestion, and if it's not such a controversial topic, we will probably summarize more than do that transcript form. Commissioner Riebe explained that she always reads the minutes, so she is happy to make those changes that she sees and asked if it was possible to get that in a document form so we can do it as a revision, and it shows up as a revision for people to see. Ms. Jacobsen responded that we can, but ultimately if they are going to compare to the recording; we can certainly give you the Word version and see what a change is, and the Commission does vote and accept it.

Chairman Coppersmith asked for a clarification of what the process is; if we do read the minutes and would like a revision, is that something that needs to take place in a meeting, or should each Commissioner have a version, and submit it before the meeting. Commissioner Classen stated that he can't remember seeing anything in this much detail over the past 10 years. Chairman Coppersmith said that they did talk about a lot of technical issues here, and use terms that the general public may not understand, so she agrees it seems a little wordy but she knew what we talked about, versus somebody who's picking it up and going, what is a pressure test, that type of thing and that in this case, she can kind of lean more towards the way that the minutes are presented, but typically she does not think we get in this level of detail. Commissioner Riebe noted that she hasn't seen it since she has started, but she likes having minutes that, even if it restates what was said, are easy to understand what was said versus how it was said; so having said that, she personally would opt to get the minutes in a form that we can make those changes, because she is probably not the only one that puts it off to the last minute, and it's hard to make changes that are just the physical version. Commissioner Riebe explained that there were two very minor changes that she thinks do need to be fixed in this version; one is on the fourth page, it says "*Chairman Classen*" which should be "*Commissioner*" not Chairman, and on the last page, close to the top, "they provide a *sundry*" which she thinks should be a "*summary*." Ms. Jacobsen responded she will look at that. She also added that if they were to receive an editable version and make the revisions, they would still have to go over them in the open meeting, because these would have been published, so the public would need to know what changes were being made. Chairman Coppersmith inquired that procedurally if those two items that were pointed out are incorrect statements, we could as a Commission today approve these minutes, stipulating that those two changes be made. Secretary Thomas explained that they can do that and that these minutes could be reviewed by all the Commissioners and in the next meeting could come back and say, 'on the line 6 of this page, I think it should be that.' He does not think the changes would be robust enough to warrant a lot of discussion, but it could be a good way publicly to go down through everything and make sure we are being transparent on all of the changes. Or you all

could literally just agree on the minutes as they are right now, it's your call, but we have delayed voting on minutes for a certain amount of months before, just because of logistics and meetings, and sometimes it's a little bit of an issue because folks want to see the minutes quickly, so we could even have a special meeting, once the minutes are pushed out, to finalize the minutes for this meeting. That's doable as well. Chairman Coppersmith asked for thoughts from other Commissioners. Commissioner Miller explained that he wasn't here for the November 15th meeting, but asked if a motion by somebody who was at the meeting, a motion to table this agenda item until the next regular meeting, would be in order. Then Commissioner Riebe could work with Renée's notes and see if she can reconcile some of the conversation and then we can take a look at the minutes ahead of the next regular meeting and be prepared to make a vote at the next regular meeting to finalize the minutes. Commissioner Riebe responded so moved. Commissioner Classen was going to suggest a motion that we send in our comments, it gets re-written, and bring it back the next meeting to have it reviewed and we can incorporate any and all comments to be incorporated and summed.

COMMISSION ACTION: A motion was made by Commissioner Riebe that the Commission table the minutes until the next meeting. Commissioner Classen seconded the motion. The motion carried on a vote of 5-0.

Background information was provided by the presenter indicated below. No Commission action is required on the Information Agenda.

- **INFORMATION**

- 3. **Update on Proposed Legislation for Title 47, Chapter 3, Idaho Code for the 2023 Legislative Session**
– Presented by Mick Thomas, Division Administrator – Minerals, Navigable Waters, and Oil & Gas

- **REGULAR – ACTION ITEM(S)**

None

At 2:01 p.m., a motion was made by Commissioner Riebe that the Commission convene into Executive Session pursuant to Idaho Code §74-206(1)(f). Commissioner Miller seconded the motion. Chairman Coppersmith stated a roll call vote is required. Roll Call Vote: Aye: Hinchcliff, Classen, Miller, Riebe, Coppersmith; Nay: None; Absent: None.

- **Executive**

- 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: CAIA v. Miller]

At 2:14 p.m., the Commission resolved out of Executive Session by unanimous consent. For the record, no decisions were made during the Executive Session.

There being no further business before the Commission, at 2:18 p.m. a motion to adjourn was made by Commissioner Miller. Commissioner Riebe seconded the motion. The motion carried on a vote of 5-0. Meeting adjourned.

IDAHO OIL AND GAS CONSERVATION COMMISSION

/s/ Betty Coppersmith

Betty Coppersmith, Chairman
Idaho Oil and Gas Conservation Commission

/s/ Mick Thomas

Mick Thomas
Secretary to the Commission

The above-listed final minutes were approved by the Commission at the
June 6, 2023 regular Idaho Oil and Gas Conservation Commission meeting.