



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
June 6, 2023

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Tuesday, June 6, 2023, at the State Capitol, House Hearing Room, (EW42), Lower Level, East Wing, 700 W Jefferson Street, Boise, Idaho. The meeting began at 1:41 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 – via virtual means

For the record, a quorum was in attendance; Chairman Coppersmith, Commissioner Classen, Commissioner Miller, and Secretary Thomas were present at the physical location. Vice Chairman Hinchcliff and Commissioner Riebe attended via virtual means.

• **ANNOUNCEMENTS**

Chairman Coppersmith thanked the Commissioners for the reschedule of this meeting from the May 16 regular date. She also thanked Commissioner Classen and Commissioner Miller for their service as this may be the last meeting for them due to the change in commissioner makeup. Chairman Coppersmith went over the agenda items.

1. Division Administrator's Report

A. Financial Update

Commissioner Classen asked why we do not keep track to see if we break even or in the positive since the inception of the Commission, he added that would be an interesting number down the road to be proud of. Secretary Thomas responded that since 2016, when the new statutes were in place, he does not have the exact numbers. Secretary Thomas followed that it is something Mr. Thum and he track and that we are still in a net negative over that time span, but we are significantly less negative than we were 12 or 18 months ago when the field was shut in. Commissioner Miller inquired about the section of code Secretary Thomas mentioned, regarding monies in the Oil and Gas Conservation Fund transferring to the general fund if it exceeds 200% of appropriation and Secretary Thomas responded that it was Idaho Code 47-330(5)(c).

B. Current Oil and Gas Activity

Chairman Coppersmith stated that she had not looked at information for the Hamilton and the Harmon fields and asked if the operator had expressed any interest in further exploring in those areas. Secretary Thomas responded that the operator has not indicated any specific interest but that he believes they do plan to continue development of the field. He added that having the injection well will make a big difference on the economic viability of a lot of the wells in the field, and that the integration application that is before the Department right now indicates some future plans.

- **REGULAR – ACTION ITEM(S)**

2. Format of meeting minutes for the Commission

RECOMMENDATION: Using the November meeting minutes attached, please provide direction to the Department on what method to use moving forward. This decision will take effect immediately.

DISCUSSION: Chairman Coppersmith called on Commissioner Riebe to have her state her thoughts around this topic. Commissioner Riebe explained that she thinks minutes are really important because they are a written document that the public can call on, and in the case of the Commission, the meetings are recorded; if the public really wants a verbatim understanding of what was discussed, they can refer to the recording, but the written minutes need to be a description and explanation of what was discussed without having the absolute detail. Commissioner Riebe added that it is important that they be clear and she looked up some guidance on meeting minutes on the internet and there is a lot of latitude in how minutes are recorded; they do not have to be an explanation of every thought; it is really just to record what the discussion was about. She added that she really appreciates the work that Renée did in boiling that down for version number 3, and that it is a pretty good compromise between the verbatim that was version number 1 and version number 2. Chairman Coppersmith responded that she appreciates the time and effort that was put into those revisions and that the two things that she took away from it was, as Commissioner Riebe said, avoiding writing everything everyone said down, and that the minutes should be a summary of the outcome of the discussion. Chairman Coppersmith referred to the Land Board minutes as a comparison, and thought it was very helpful that there is an editor's note, it says 'the discussion portions, if any, for agenda items may be written in first person format,' and the critical part, 'this is not a verbatim transcript' and suggested that if we used that same methodology, so that would give whoever is doing the minutes a little bit of freedom to summarize. Commissioner Miller asked if the purpose behind this exercise was just to provide some clarity for the public when reviewing the minutes. Chairman Coppersmith responded yes. Commissioner Miller reiterated that the public does have access to the recordings; transparency is of the utmost importance here. Chairman Coppersmith stated that going through those minutes it was a little bit of a hard read and that making an attempt to summarize what was said versus word-by-word what was said would make it a little bit easier to follow. Commissioner Riebe explained that when she reads through something that sounds like a transcript, it is a transcript, and it captures every hesitation and rewording, and it ends up as a record of the meeting that sounds almost unprofessional and that is what struck her about it. She added that it should be a summary; it should not be an absolute record and be detailed enough that they bring you back to the discussion without being overly burdensome with every little detail. Commissioner Classen stated that he likes the way Renée has been doing it; maybe some little more technical might be in order, but historically they say what happened reasonably well. He added that he does not know why we are even having this discussion.

Chairman Coppersmith believes that the point of this action item was to give some clarity to the administrative staff. Secretary Thomas noted his appreciation on this, and that clarity is important. He brought up a few things that operationally are something to consider. Commissioner Riebe is correct that there is a lot of latitude in how minutes are recorded. There is a recording of the meeting, a video or audio recording that is available. Long term, he does not know what technology is going to be in 10 or 15 or 40 years. He has looked back at minutes from the '80s, and even the '40s and '50s, to get context for a legislative decision. He believes that just relying on the audio or video is not foolproof. Second, having someone have that latitude to clarify, and we do not know what that person's technical ability is going to be in 5 or 10 or 20 years. There is something to think about there of keeping it relatively simple for whatever staff we have to do minutes. Chairman Coppersmith inquired about a recommendation based on what we have heard since it is an action item. Secretary Thomas reiterated that specifically we are talking about a process and the decision, for example, if we are going to stick with the method that we have used thus far, then you would approve the November meeting minutes and subsequent minutes. Or you could say we are going to have a variance, but we only want this to apply to the November minutes, and then accept the February through April minutes. Commissioner Riebe stated the first draft of minutes is quite different from Renée's second version, which is version number 3 in what was attached and asked if it was true that version number 3 more accurately reflects what is typically done, and this was an unusual meeting and was time consuming, so it was not edited much at all. Secretary Thomas responded that normally it is a very close to verbal transcript that is done by staff; the ums and ahs can be corrected; our staff does a good job of making things readable. He asked Renée if she would like to speak up. Renée responded that version 3 is more typical and that repetitive thoughts about the same idea do not add to the minutes, and it depends on the topic. As Mick mentioned, that one was a conversation that was not on the agenda, there were no supporting documents in the meeting materials for the public to have a reference; it was an anomaly. Commissioner Miller asked Renée, if version 3 is more streamlined yet is still consistent with the audio recording and is it a simpler way of capturing the minutes. Renée responded yes, from her perspective it is and added that is really the way she does it for Land Board. Chairman Coppersmith stated that the question on the floor is version 3, the methodology used in version 3, is that something we want to adhere to going forward on our meeting minutes. That would be the motion, or not. Vice Chairman Hinchcliff explained that we should let the staff optimize the minutes to the best of their ability and not dictate method two, method three, method four or whatever method. He added that over time, there is going to be different staff come through the office there and that he does not think we should be dictating to them on how to write minutes; that should be an administrative task and not something the Commission should be weighing in on. Chairman Coppersmith stated that Administrator Thomas pointed out, we always do have the option to modify the minutes as we go through and review them; she is not really hearing a consensus here, or a motion, so we can take the action of taking no action. Commissioner Riebe thinks the third version would have been fine and that she is fine with doing it the way it is currently done; it sounds like the November meeting minutes were not the way it is typically done. She added that she thinks it is incumbent on us to read them and if we see something in there that was summarized incorrectly or does not reflect what actually happened, that is our job; that is why we review the minutes and make a motion to accept them, as written or as corrected. Commissioner Riebe would prefer to get a version that she can make corrections to ahead of time so that if we have corrections, we can send those back and adopt minutes that were corrected or not, if that is a possibility. Renée responded that we could provide a Word version of the minutes.

COMMISSION ACTION: A motion was made by Chairman Coppersmith to take no action on this agenda item. Commissioner Miller seconded the motion. The motion carried on a vote of 5-0.

- **CONSENT – ACTION ITEM(S)**

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

DISCUSSION: A motion was made by Commissioner Classen to accept the other three sets of minutes. Chairman Coppersmith responded that we can do that but since the November 15th minutes are a special case, she would like to handle that one separately.

COMMISSION ACTION: A motion was made by Commissioner Classen to use version 3 of the November minutes (as provided in item #2). Commissioner Riebe seconded the motion. The motion carried on a vote of 5-0.

4. **Approval of Minutes – February 21, 2023 – Regular Meeting (Boise)**

5. **Approval of Minutes – March 29, 2023 – Special Meeting (Boise)**

6. **Approval of Minutes – April 13, 2023 – Special Meeting (Boise)**

COMMISSION ACTION: A motion was made by Commissioner Miller to accept the remaining three sets of minutes. Commissioner Riebe 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**

7. **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

- **Executive**

None

There being no further business before the Commission, at 2:39 p.m. a motion to adjourn was made by Commissioner Riebe. Commissioner Classen seconded the motion. The motion carried on a vote of 5-0. Meeting adjourned.

