



IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chair  
Ray Hinchcliff, Vice Chair  
Margaret Chipman, Commissioner  
Marc Haws, Commissioner  
Jennifer Riebe, Commissioner

Mick Thomas, Secretary to the Commission

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Final Minutes  
Idaho Oil and Gas Conservation Commission Regular Meeting  
November 14, 2023

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Tuesday, November 14, 2023, at the State Capitol, House Hearing Room, (EW42), Lower Level, East Wing, 700 W Jefferson Street, Boise, Idaho. The meeting began at 1:30 p.m. (MT). Chairman Betty Coppersmith presided. The following members were present:

Vice Chairman Ray Hinchcliff  
Commissioner Margaret Chipman  
Commissioner Marc Haws  
Commissioner Jennifer Riebe

For the record, all Commissioners and Secretary Thomas were present at the physical location.

• **ANNOUNCEMENTS**

Chairman Coppersmith introduced the newest commissioner, Marc Haws and stated that she was glad to have him on the Commission. Chairman Coppersmith gave overview of the agenda.

**1. Division Administrator's Report**

A. Financial Update

B. Current Oil and Gas Activity

Chairman Coppersmith inquired about the production and that it was all coming from the Harmon field and not from the Willow field. Secretary Thomas confirmed that was correct. Chairman Coppersmith asked if that was because of operational issues or production considerations. Secretary Thomas responded that he believed it came down to cost benefit and that the cost of operating some of the older wells when one considered the water production that it may be cost prohibitive.

C. Status Update

i. Field Inspections

Chairman Coppersmith asked if the issues of concern during the inspection outside of the Division's jurisdiction could be elaborated on. Program Specialist James Thum responded that a copy of the inspection report is on the website. Mr. Thum explained that some of the issues included emissions tests notes; the Department does not regulate emissions,

but he will make note in the inspection report and also discuss it with Snake River staff. Another issue was a portable spill containment device mat was torn that people use for canisters of chemicals when you do not want something to leak on the ground. Mr. Thum stated that a lot of stuff blows in and takes root; they come around once or twice a year and spray it and he will make a note of that and tell them they should take care of it. Vice Chairman Hinchcliff inquired about who does the meter calibration. Mr. Thum responded that the operator has a contract with a third-party company who performs calibrations on site. Commissioner Riebe asked whether being out of compliance is a category of infraction and if this did not rise to the level of being out of compliance. Mr. Thum explained that if we notice something that may be a compliance issue, we will notice the operator, but there is an administrative procedure that we go through, unless it is an emergency situation. We will discuss it internally with the Division Administrator and then that notice of noncompliance either comes from the Department, or in some cases, from the Commission. Mr. Thum added that Department inspection staff have a workstop authorization; if we see something that is endangering the environment, we can issue a stoppage right there and they have to comply. Commissioner Haws asked how often inspections take place. Mr. Thum responded that under Idaho Code 47-315, we are required to inspect all facilities annually and provide a report to the Commission. On some occasions, if there are operations or new equipment, we will inspect more often.

- ii. Class II Well
- iii. Kauffman #1-9 Status

- **CONSENT – ACTION ITEM(S)**

- 2. **Approval of Minutes – June 6, 2023 – Regular Meeting (Boise)**

*COMMISSION ACTION:* A motion was made by Commissioner Riebe that the Commission approve the meeting minutes. Commissioner Chipman and Vice Chairman Hinchcliff simultaneously seconded the motion. The motion carried on a vote of 5-0.

- 3. **Approval of Minutes – September 14, 2023 – Special Meeting (Boise)**

*COMMISSION ACTION:* A motion was made by Commissioner Chipman that the Commission approve the meeting minutes. Commissioner Riebe seconded the motion. The motion carried on a vote of 5-0.

- **REGULAR – ACTION ITEM(S)**

- 4. **Negotiated Rulemaking IDAPA 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho – Presented by Mick Thomas, Division Administrator – Minerals, Navigable Waters, and Oil & Gas**

*RECOMMENDATION:* The Department recommends that the Oil and Gas Conservation Commission authorize the Department to initiate negotiated rulemaking for IDAPA 20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho.

*DISCUSSION:* Commissioner Riebe asked if Secretary Thomas could provide an example of something that might change. Secretary Thomas explained that anything in the rules is subject to be discussed during the rulemaking. Secretary Thomas elaborated that initiating rulemaking allows stakeholders, members of the public, to come in and voice their concerns, voice their ideas, their support of remaining the same, support for changes, involving rules. Secretary Thomas added that rulemaking is limited by statutory language; rules cannot override statute. He noted that some of the issues may involve the price of permits, the cost of permits, bonding levels, and that any number of things that are currently in rule are up for grabs. Chairman Coppersmith thanked him for the timeline and asked how onerous this task is and if it is going to require hours and hours of staff's time. Secretary Thomas responded that it is relatively rigorous and thinks it will be relatively straightforward.

*COMMISSION ACTION:* A motion was made by Commissioner Riebe that the Commission authorize the Department to begin the negotiated rulemaking process. Commissioner Haws 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**

- 5. **Presentation: Overview of Legal Requirements for Commission: Open Meetings; Public Records; Ethics in Government** – Presented by Hayden Marotz, Deputy Attorney General

At 2:47 p.m., a motion was made by Vice Chairman Hinchcliff that the Commission convene into Executive Session pursuant to Idaho Code §74-206(1)(f). Commissioner Riebe seconded the motion. Chairman Coppersmith stated a roll call vote is required. Roll Call Vote: Aye: Hinchcliff, Chipman, Riebe, Haws, 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, Idaho Federal District Court case No. 1:21-cv-00367-DCN]

At 3:00 p.m., a motion was made by Commissioner Riebe that the Commission resolve out of Executive Session. Commissioner Chipman seconded the motion. The motion carried on a vote of 5-0. For the record, no decisions were made during the Executive Session.

There being no further business before the Commission, at 3:01 p.m. a motion to adjourn was made by Commissioner Chipman. Commissioner Haws 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/ James Thum*

James Thum  
Acting Secretary to the Commission

The above-listed final minutes were approved by the Commission at the  
February 20, 2024 regular Idaho Oil and Gas Conservation Commission meeting.