

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, January 31, 2013

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller (Barron), Anderson(1), Pence, Erpelding, Ward-Engelking

**ABSENT/  
EXCUSED:** Rep. Moyle

**GUESTS:** Tom Schultz, Bob Brammer, and Kurt Houston, IDL; Pat Barclay, ICIE; Wally Butler, IFBF; Norm Semanko, IWUA/ICIE; Dan Oberling, Id. Grain Producers; Matthew May, ISCAC, Dennis Stevenson, Rules Coordinator; Sue Eaton and Cally Younger, OSC; Jack Lyman, Idaho Mining; Andy Brunelle, USFS

**Chairman Denney** called the meeting to order at 1:30 p.m.

**RS 21732:** **Tom Schultz**, Director, Idaho Department of Lands, stated that this proposed legislation provides the authority to define a nonprofit rangeland fire protection association. He said the Governor has provided funds for new rangeland fire protection associations. The statute provides authority for the Director to enter into agreements with timber and rangeland fire protective associations, but the process for establishment and operation is only provided in detail for timber protective associations. He said rangeland fire protection associations are distinctly different organizations, and this proposed legislation will specify the process for establishing and operating standards to address the differences.

**Mr. Shultz**, in response to questions from the committee about start-up costs, stated that one association in place in Mt. Home had start up costs of about \$35,000. He also clarified that these are primarily rangelands.

**MOTION:** **Rep. Boyle** made a motion to introduce **RS 21732. Motion carried by voice vote.**

**Wally Butler**, Range & Livestock Specialist, Idaho Farm Bureau, stated he will be involved in an association of range management, the Society for Range Management, that provides background use in decision making. He said this is a largely based organization that tries to provide the best science. He said sage grouse is a big issue in the West and land management agencies try to be pre-emptive of lawsuits, and supportive of the land managers.

**Mr. Butler**, in response to questions from the committee about the taking of sage grouse, stated the sage grouse seasons are set by the Idaho Fish and Game Commission based on what the local groups recommend. He said if hunting sage grouse were completely eliminated, we'd be saying they are endangered in all areas. Mr. Butler said over protection does not make the species do well. Ecosystem management is a better way to look at management.

**Norm Semanko**, Idaho Water Users Association and Chairman of Idaho Council on Industry and the Environment (ICIE), spoke for **Roy Eiguren**, Arkoosh Eiguren. ICIE has been around since the late 1980s to advance the use of facts and sound science in policy making. It is the practice to go to the committees and make comments. Mr. Semanko gave a brief overview of the rulemaking process.

**Mr. Semanko** said the EPA provides the legislature authority to accept or reject rules. Idaho is one of the three states in the nation that has such authority. The separation of powers issue declared that Legislature's power to reject a rule does not violate the Constitutional doctrine of Separation of Power provided that Legislative rejections of rules are based upon a rule being contrary to Legislative intent.

**Ms. Joan Cloonan**, Past President, RBC Polycomposites, LLC, for **Jack Lyman**, Idaho Mining Association, stated that they started working in stringency in 1983, the year the first stringency clause went into effect. She referenced the Idaho State Waste Management Act, Toxic Substance Control Act, The Idaho Solid Waste Facilities Act, The Idaho Clean Air Act, The Idaho Clean Water Act, The Idaho Land Remediation Act, and Stringency amendments to the EPA.

**Ms. Cloonan** stated guidance is not enforceable like a rule. Guidance is written documentation of how an agency interprets a rule, agency policy, checklists, technical background info, QA/QC procedures, treatment method alternatives, handbook or manual. Most rules are negotiated.

**Ms. Cloonan** said DEQ's Guidance Policy advises that guidance is not law, so consultation with the AG office on whether it's a rule or guidance is needed.

**Ms. Cloonan**, in response to committee questions, clarified that the procedure to know whether we are looking at a rule or a guidance, stated that rules are published in the administrative book, and you should ask why you are being asked to do something. Rules are goal orientated and the guidance has technicality.

**Norm Semanko** gave an example of underground injection well rules, and stated that the IDWR is charged with enforcing the rules.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:24 p.m.

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Representative Denney  
Chair

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Rosee Winder  
Secretary