

ISB ENVIRONMENT & NATURAL RESOURCES SECTION

Winter - Spring 2009 Newsletter

ERIKA MALMEN, ESQ.
-SECTION CHAIR

COURTNEY E. BEEBE
-NEWSLETTER EDITOR

In This Issue

- 1 Website Featured Link
- 1 Idaho Environmental and Natural Resource News
- 2 CLE's & Section Happenings
- 3 Did You Know
- 3 Cases and Publications of the Quarter
- 3 Extracurricular Activities
- 3 Book a Month Reading Challenge
- 4 ENR Section Website
- 4 ISB Environment & Natural Resources Section

Website Featured Link

The ENR Section Website is up and running with a comprehensive list of links to with information on environmental and natural resources law, cases, and policies. This month's featured link is the EPA / US DOE Energy Star Program, featuring consumer information regarding energy efficient appliances and other ways to save on your electric bill. <http://www.energystar.gov/>

Idaho Environmental and Natural Resource News

President Obama Names New Cabinet and New Policies

President Obama selected new cabinet and agency heads for Senate Confirmation:

-EPA: Lisa Jackson, formerly of New Jersey Dept. of Environmental Protection

-US DOI: Ken Salazar, formerly U.S. Senator from Colorado

-USDA: Thomas Vilsak, formerly Governor of Iowa

-US DOE: Steven Chu, formerly head of Lawrence Berkeley National Laboratory

Accompanying the new line up of cabinet members, the President has put forth new energy and environmental policies. These policies will focus primarily on creating new jobs by supporting alternative fuel industries, reducing importation of oil from foreign countries, and introducing a green house gas cap and trade program. http://change.gov/agenda/energy_and_environment_agenda/. Some of these details can be seen in the proposed stimulus package presented to Congress this month.

Idaho State Legislature Convened January 12, 2009

You can catch the sessions live, and obtain schedules of committee hearings and legislation information at: <http://www.legislature.idaho.gov/> The following committees hear legislation regarding natural resources and the environment:

Idaho House: Environment, Energy and Technology Committee; Agricultural Affairs; Health and Welfare; Resources and Conservation

Idaho Senate: Agricultural Affairs; Health and Welfare; Resources and Environment.

Of course, if you need to research a bill or a statute, the folks at the Legislative Services Office and the Legislative Services Library are happy to assist. You can find them in the Old Ada County Courthouse, right where a bill currently becomes a law.

Owyhee Public Lands Management Act Passes Senate (110-S2833)

On Sunday, January 11, the U.S. voted 66-12 to move a massive lands package that includes the Owyhee Public Lands Management bill forward for a full vote later this week. The vote on Sunday was well over the 59 votes needed to move the legislation out of debate and ready for passage into law.

The OPLMA directs the Secretary of the Interior to establish the Owyhee Science Review and Conservation Center in Owyhee County, Idaho, to conduct research projects that address natural resources management issues affecting public and private rangeland in the county. The Act also designates specified land in Idaho as wilderness areas and as components of the National Wilderness Preservation System and releases public land in the county administered by the Bureau of Land Management (BLM) from further study for designation as wilderness, and sets forth provisions regarding the administration of the areas designated as wilderness.

The OPLMA also designates specified creek and river segments

Continued on Page 2

Idaho Environmental and Natural Resource News

Continued From Page 1

within the county as components of the national wild and scenic rivers system, and bars acquisition by the Secretary of any private land within the exterior boundary of a wild and scenic river corridor without the owners consent. The Act also authorizes the Secretary to sell public land within the Boise District of the BLM that has been identified for disposal in appropriate resource management plans and sets forth requirements for the use of proceeds from the sale of such land.

Interestingly, the Secretary must coordinate with the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in the implementation of the Shoshone-Paiute Cultural Resource Protection Plan, and the OPLMA instructs the Secretary to seek to enter into agreements with the Tribes to implement the Plan. The Act also directs the Secretary to prepare one or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by BLM in the county, requires the Secretary to conduct resource and route inventories of the

area covered by the plan and limits the use of such recreational vehicles to a system of designated roads and trails established by the plan, with the exception of snowmobiles.

Find out more about the OPLMA at the following websites:

<http://www.owyheeinitiative.org/>

<http://crapo.senate.gov/issues/oi/faq.cfm>

Communities helping Communities – IDWARN Mutual Assistance for Drinking Water Systems

IDWARN is a mutual aid organization of communities helping communities by allowing water and wastewater utilities to help each other during emergencies. IDWARN participants can access specialized resources to assess and assist water and wastewater systems until such time that the system can return to normal operating conditions. An IDWARN Statewide Committee administers the program.

At the core of the IDWARN concept is the Mutual Aid Agreement (MAA). Utilities must sign the MAA allowing them to share resources with other

systems in Idaho that have also signed the standard agreement. The MAA covers issues such as requesting and giving assistance, reimbursement, workers compensation, insurance, liability, and dispute resolution. The MAA has been reviewed and approved of by ICRIMP.

IDWARN is available to all public and private water and wastewater systems in Idaho. Participation is voluntary and is not mandated by any local, state, or federal regulation.

In addition, there are no fees required to participate in the program. When called upon, utilities have the option of responding if they are willing and able to do so, but they are not obligated to respond. Participants in the aid agreement may withdraw from the program at any time.

For more in-depth information and to examine a copy of the Mutual Aid Agreement, go to the IDWARN home site at <http://www.idwarn.org/>.

CLEs & Section Happenings

Resignation of Vice Chairwoman Judi Brawer

Thank you to Judi Brawer for serving as our Vice-Chairwoman, we appreciate your service and input. Ms. Brawer will be taking advantage of new opportunities outside the legal field, including participation in the publication Idaho Women's Journal. Check out her work at: <http://www.idahowomensjournal.com/>

ENR Section February 18, 2009, Lunch CLE on Idaho's Roadless Rule

Please join the ENR Bar Section for a lunch CLE on Idaho's Roadless Rule on February 18, 2009, by Tom Perry, Counsel for the Idaho Office of Species Conservation. Please look for an email with the location from the Idaho State Bar.

ENR Section Co-Sponsors February 26, 2009, CLE with the University of Idaho Re: Floodplain Management

Plan to attend the "Legal Issues with Flood Plain Management" CLE at the Idaho Water Center 322 E. Front Street, Boise, Idaho, from 8:30am – 12:00pm, co-sponsored by the ENR Section and the University of Idaho. Mr. Edward A. Thomas, Esq, will be presenting on topics such as property rights, takings issues and liability.

ENR Section Sponsors May 2009 Advocate – ARTICLES AND PHOTOS DUE MARCH 6, 2009

Reminder that the ENR Section is sponsoring the May 2009 Advocate Issue. Submissions will be due March 6, 2009. If you would like to participate by submitting an article or an idea for an article, please let the ENR Section

Chair or Vice Chair know by email.

ENR Section Photograph Contest

The Photograph Contest Is Back! Submit photographs by March 6, 2009, for the ENR Section May 2009 Advocate Issue and the winning photograph is placed on the cover. Get clicking!

ENR Section / IEF ANNUAL CLE January 28, 2009 -CANCELLED

The Annual ENR Section morning CLE is cancelled this year, though the IEF portion will continue.

ENR Chairwoman's Survey

Look for an email regarding a survey of the future development of the ENR Section from the ISB and Chairwoman Erika Malmen. Please give your feedback, it is much appreciated.

Did You Know ?

Did you know that Idaho has 57 species of Noxious Weeds? Each species falls into one of three levels of concern and the ISDA administers the Noxious Weed law by providing assistance to counties and Cooperative Weed Management Areas throughout the state. There are over 30 CWMA's through the state, covering 87% of Idaho. For more information, see the ISDA noxious weed website:

<http://www.idahoag.us/Categories/PlantsInsects/NoxiousWeeds/indexnoxweedmain.php>

Cases and Publications of the Quarter

Winter v. Natural Resources Defense Council (November 12, 2008)

Question presented: Whether lower courts properly enjoined the Navy's use of sonar during certain training exercises for failure to conduct an environmental impact statement over a finding of "emergency circumstance" by the Council on Environmental Quality. In the first ruling of the new term, a divided Supreme Court held today that the U.S. Navy does not have to limit its use of high-powered sonar off the Southern California coast to protect marine mammals.

Extracurricular Activities

Idaho Outfitters and Guides Association

The new Idaho Outfitters and Guides Association website provides listings of over 250 licensed guides. Book your fishing, hunting or rafting trip now! <http://www.ioga.org/>

Boise Public Library Ethnic History Archive

Consists of over 200 clippings from the Idaho Statesman spanning over fifty years. The Archive is part of the Idaho Digital Resources collections at the Idaho Commission for Libraries and is great for helping kids out with those research projects for school!

Book a Month Reading Challenge

Environmental and Natural Resource lawyers occasionally have a chance to read something besides Environmental Impact Statements and CFRs. This quarter, learn more about Idaho's rugged, rural individualists:

On All Sides Nowhere: Building a Life in Rural Idaho

by William Gruber, Houghton Mifflin Co., 2002.

A New York Journalist moves to Moscow to attend graduate school at the University of Idaho, while homesteading 40 acres at Alder Creek.

A Victorian Gentlewoman in the Far West: The Reminiscences of Mary Hallock Foote

by Mary Hallock Foote, 1992

A book illustrator from a Quaker farm in the east marries a mining engineer and comes West.

Idaho Loners: Hermits, Solitaires and Individualists

by Cort Conley, (1994)

A collection of true stories of Idaho's most celebrated residents.

Read something recently that got you thinking? Want to share a classic title with the ENR Section members? Email your suggested fiction or non-fiction book title to Courtney E. Beebe at courtney.beebe@deq.idaho.gov.



The Photograph Contest Is Back! Submit photographs by March 6, 2009, for the ENR Section May 2009 Advocate Issue and the winning photograph is placed on the cover. Get clicking!

ENR Section Website

Check out the ENR Section Website at <http://www2.state.id.us/isb/sec/enr/enr.htm>. The website was recently reorganized and updated thanks to help from our section members and the Idaho State Bar. On the website is a schedule of the ENR Section Lunch CLE's and CLE materials, as well as a list of other events, and Meeting Minutes.

New to the website is a comprehensive list of links: Please see the "Legal Resources" heading and scroll through links to state, local and national websites containing commonly used Environmental and Natural Resource legal resources. Thanks to all the members of our section who shared links, and if you have more to contribute, please email your link or the information you would like posted to Courtney E. Beebe at courtney.beebe@deq.idaho.gov.



The ENR Section produces quarterly newsletters to keep members apprised of upcoming events. Our next newsletter is scheduled for release in May 2009. If you would like to include an item in the upcoming newsletter, please contact Courtney E. Beebe at courtney.beebe@deq.idaho.gov.

ISB Environment & Natural Resources Section

Chairperson

Erika Eaton Malmen
Perkins Coie, LLP
PO Box 737
Boise, ID 83701-0737
Phone: (208) 343-3434
emalmen@perkinscoie.com

Vice Chairperson

Judith Miriam Brawer
1502 N. 7th Street
Boise, ID 83702
Phone: (208) 871-0569
jbrawer@jbrawerlaw.com

Secretary/Treasurer

Courtney Erin Beebe
Office of the Attorney General
1410 N. Hilton, 2nd Floor
Boise, ID 83706
Phone: (208) 373-0494
courtney.beebe@deq.idaho.gov

Past Chairperson

Murray Dov Feldman
Holland & Hart, LLP
PO Box 2527
Boise, ID 83701
Phone: (208) 342-5000
mfeldman@hollandhart.com

At Large Council Members

Garrick L. Baxter
Office of the Attorney General
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4811
garrick.baxter@idwr.idaho.gov

Richard Kirk Eichstaedt
Center for Justice
35 W. Main Street, Ste. 300
Spokane, WA 99201
Phone: (509) 835-5211
ricke@cforjustice.org

Raymond T. Swenson
CH2M-WG Idaho, LLC
PO Box 1625
Idaho Falls, ID 83415-3950
Phone: (208) 526-4579
raymond.swenson@icp.doe.gov

Jay Juhani Kiiha
Capitol Law Group, PLLC
PO Box 2598
Boise, ID 83701-2598
Phone: (208) 424-8872
jkiiha@capitollawgroup.net

Laura A. Schroeder
Schroeder Law Offices, PC
PO Box 12527
Portland, OR 97212-0527
Phone: (503) 281-4100
schroeder@water-law.com



PO Box 895
Boise, ID 83701
Phone: (208) 334-4500
Fax: (208) 334-4515
www.idaho.gov/isb