



United States  
Department of  
Agriculture

Forest  
Service

Nez Perce National Forest  
104 Airport Road  
Grangeville, ID 83530  
208-983-1950

Clearwater National Forest  
12730 Highway 12  
Orofino, ID 83544  
208-476-4541

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File Code: 2730

Date: August 5, 2013

John McCalla  
President/CEO  
Omega Morgan  
23810 Huffman Street  
Hillsboro, OR 97124

Dear Mr. McCalla:

I have received a copy of the permit issued by the Idaho Transportation Department for your company to transport an over legal-sized load over US Highway 12 August 5<sup>th</sup> through 9<sup>th</sup>. I also received your letter dated August 2, 2013, stating that you plan to proceed August 5<sup>th</sup>. The Forest Service does not consent, approve or otherwise authorize Omega Morgan to transport the subject over legal loads on US Highway 12 between MP 74 and 174.

I found your letter troubling in many ways. First, the letter gives the false impression that your company and my staff have been having "extended interaction." This overstates the nature of our interaction which includes only a single two-hour meeting held May 15<sup>th</sup> in Grangeville, Idaho. I have had numerous conversations with your consultant Mark Rey, but the end result of those conversations was that the Forest Service had concerns and did not support the transport of over legal loads meeting certain criteria until further review and consultation can occur. It is necessary to complete a study examining such uses and their potential impacts to the intrinsic values of the corridor. The corridor study and consultation with the Nez Perce Tribe will help indicate which uses can be compatible with the other uses and values of the corridor. We have a preliminary consultation meeting with the Nez Perce Tribe on August 20<sup>th</sup>. No action from the Forest Service can be expected prior to that meeting.

Second, your letter states that you have made changes to respond to concerns expressed by my staff. The Forest Service has made no direct request of Omega Morgan to apply any mitigation. At our May 15<sup>th</sup> meeting we did communicate some issues with previous loads but you took it upon yourself to interpret those concerns and identify and include mitigations. While we did not communicate directly with Omega Morgan we have communicated with ITD interim criteria that define over legal loads that would require additional Forest Service review. These criteria currently include: 1) loads greater than 16 feet wide or 150 feet long; 2) loads that require more than 12 hours to traverse US Highway 12 between MP 74 and 174; and 3) require physical modification of the roadway or adjacent vegetation beyond normal maintenance. Your proposal, even with changes, still triggers criteria 1 and 2. Because the load triggers these criteria additional review is necessary as described in the preceding paragraph.

Third, your letter concludes that your plan "*recognizes the economic benefit we bring to the region and avoids or mitigates environmental impacts from our use of the Highway 12 corridor.*" I appreciate your opinion but, without the review and study previously mentioned, I disagree. In particular, the effects to the Nez Perce Tribe and to the intrinsic values of the corridor are undetermined. The minor modifications



to the plan only substantively addressed one of the three interim criteria (physical modification of vegetation) and did nothing to address our other concerns.

Fourth, the ITD informed you that the Forest Service and Federal Highways Administration have jurisdiction to review over legal permits and that you should contact these agencies. While no timelines for review were specified, you surmised that less than one (1) business day would be adequate for our review by indicating you “*plan to proceed Monday.*” Forest Service review should be conducted prior to ITD issuing a permit for any over legal load to avoid transporters from being put in this awkward position. That said, our interim criteria indicates additional review is required and the Forest Service does not consent, approve or otherwise authorize Omega Morgan to transport the subject over legal loads on US Highway 12 between MP 74 and 174.

Lastly, I understand your company transported a similar over legal load on Idaho State Highway 20 recently. At our May 15<sup>th</sup> meeting you indicated a route analysis of potential routes to Canada had been completed. To provide context for the corridor study I would appreciate you sharing that route analysis information.

Sincerely,

*/s/ Rick Brazell*  
RICK BRAZELL  
Forest Supervisor

cc: Faye L Krueger, Craig P Trulock, Heather Berg

*Note: Electronic copies of this letter were also sent to Scott Stokes, ITD; Pat Lightfield, ITD; Mike Lopez, Nez Perce Tribe; and Peter Hartman, DOT; and ccs on August 5, 2013, by K.Bess.*