



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

File Code: 2730

Date: August 5, 2013

Scott Stokes
Chief Deputy
Idaho Transportation Department
PO Box 7129
Boise, ID 83707

Dear Mr. Stokes:

I have received a copy of the permit issued to Omega Morgan to transport an over legal-sized load over US Highway 12 August 5th through 9th. I also received a letter dated August 2, 2013, from Omega Morgan stating that they plan to proceed August 5th. I am disappointed that ITD would proceed with issuing a permit given the constructive communication we have been having regarding interim criteria, consultation with the Nez Perce Tribe, and initiation of a corridor study. The Omega Morgan load triggers two of the three criteria and more time is needed to conduct our review.

The February 7, 2013, Federal Court Ruling discusses that the Highway Easement Deed was granted under the authorities of 23 USC § 317, and further states that the Federal Defendants (USFS and FHWA) review of ITD's approval of megaloads fulfills the very purpose of § 317 be ensuring compliance with the grant under that statute. "...the court finds that the federal defendants have jurisdiction to review ITD's approval of the mega-loads over Highway12." (Page 16-17, Memorandum Decision). The Federal Court decision clearly gave the Forest Service authority to review ITDs permits for mega-loads and we have informed you that we are still in the process of reviewing. At this time, the Forest Service does not consent, approve or otherwise authorize over legal loads meeting the interim criteria on US Highway 12 between MP 74 and 174.

I look forward to continuing our conversations; please contact me if you have questions.

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 Mr. Stokes; Pat Lightfield, ITD; Mike Lopez, Nez Perce Tribe; Peter Hartman, DOT; and ccs on August 5, 2013, by K.Bess.

