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Forest Service Response to Mega-load Permits on Highway 12

MISSOULA, Mt. – The Nez Perce-Clearwater National Forests is moving ahead with a social science study of the intrinsic values and how people may be impacted by so-called “mega-load” shipments through the Highway 12 corridor across national forest system lands as part of their authority to review Idaho Transportation Department mega-load permits. The Forest Service is also consulting with the Nez Perce Tribe to better understand the tribal values potentially affected by the over-sized loads.

On Friday, Idaho issued one permit to Omega Morgan for a single “mega-load” shipment. It will take a total of four days, moving at night, to make the entire trip along the Idaho portion of Highway 12 and over Lolo Pass into Montana. Montana has already issued a permit for the shipment.

In a letter in July 26 letter from Forest Supervisor Rick Brazell to the ITD, Brazell states, “I would like to reiterate that the Forest Service does not support ITD permitting oversized loads...” until the impacts of that use on the corridor values is better understood. Brazell says the social assessment study should be completed in the next few months.

In February, the District Court for Idaho handed down a decision in favor of the group Idaho Rivers United, in their 2011 lawsuit that claimed the Forest Service and the Federal Highway Administration (FHWA) have jurisdiction over the Highway 12 corridor to regulate these types of loads. In his decision, Judge B. Lynn Winmill determined the Forest Service “*has authority and jurisdiction to enforce all relevant legal authorities, including, but not limited to, the Wild and Scenic Rivers Act, the Forest Service Organic Act, the National Forest Management Act, and implementing regulations, policies, agreements, and MOUs, ... with respect to mega-load shipments proposed or approved within the right-of-way for U.S. Highway 12 held by ITD.*”

The Forest Service is expediting its assessment and consultation processes, and will continue to work with ITD and FHWA to come to a mutual agreement on oversized loads.

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