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FOR IMMEDIATE RELEASE

Settlement protects historic uses on Highway 12, restricts megaloads

BOISE — The Nez Perce Tribe, Idaho Rivers United and legal group Advocates for the West recently finalized a settlement agreement with the U.S. Forest Service to protect historic uses of U.S. Highway 12 in north-central Idaho while restricting megaload shipments to preserve the area's spectacular scenery and cultural significance.

The agreement resolves a federal court lawsuit filed in 2013 that ordered the Forest Service to close Highway 12 to megaload shipments through the Clearwater National Forest to protect the Wild and Scenic values of the Middle Fork Clearwater and Lochsa rivers. Public protests of a megaload shipment resulted in arrests of the entire Nez Perce Tribe leadership in August 2013, leading to the lawsuit and federal court order.

Unlike traditional oversized loads, megaloads are so massively large, heavy and slow that they take up both lanes and shut down traffic. Only a few megaloads have ever travelled Highway 12, all in 2011 to 2013. No megaloads have been allowed on Highway 12 since September 2013.

In response to the 2013 court ruling, the Forest Service conducted a public corridor study to review historic uses of Highway 12 and impacts of new megaload shipments, and also consulted with the Nez Perce Tribe. In a letter sent yesterday to the Idaho Transportation Department, the Forest Service determined that historic oversized loads should be allowed to continue on Highway 12, but future megaloads should be prohibited. (Click the following link for the letter: <http://bit.ly/2kyOf6s>.)

"The corridor study has been instrumental in identifying the high value people place on the river corridor," wrote Regional Forester Leanne Marten in today's letter to ITD. According to

Marten, the study revealed that many people do not want Highway 12 to be converted into an “industrial corridor.”

“Although the term ‘industrial corridor’ has no specific definition, we understand this concern to mean that the present balance between commercial and noncommercial uses of Highway 12 is acceptable, but increased use of Highway 12 by megaload transporters has the potential to shift uses too much toward the commercial end.”

IRU Executive Director Kevin Lewis said the Forest Service’s letter strikes an appropriate balance.

“This is great news for industries like farming, logging and day-to-day trucking that have depended on Highway 12 for decades,” said IRU Executive Director Kevin Lewis. “It’s also great news for two of Idaho’s crown jewels, the Lochsa and Middle Fork Clearwater Wild and Scenic Rivers, which deserve protections from new threats like megaloads in the future.

Lewis said the Lochsa and Middle Fork of the Clearwater river canyons are the embodiment of what the Wild and Scenic Rivers Act was designed to protect.

“These rivers anchor cathedral-like forests that inspire awe, reflection and reverence,” he said. “They are recreational Edens for fishermen, campers, hikers, hunters, bicyclists, history buffs, whitewater kayakers and rafters. Massive loads of industrial equipment do not belong here.”

The Middle Fork of the Clearwater and its tributary, the Lochsa, were among the first rivers protected under the Wild and Scenic Rivers Act of 1968. Idaho Sen. Frank Church championed the act, helping to ensure that the Selway and Middle Fork of the Salmon were also promptly designated as Wild and Scenic rivers.

Public opposition to megaloads on Highway 12 first arose in 2010, after Exxon Mobil announced plans to send over 200 massive loads of Korean-manufactured refinery equipment to the Canadian tar sands. That proposal was blocked by prior lawsuits, and declining oil prices have reduced demands to use Highway 12 for other megaloads.

“After years of dispute, we are glad to put this saga behind us,” said Laird J. Lucas, Executive Director of Advocates for the West, which represented IRU in the lawsuit. “Through the tremendous assistance of the U.S. Court of Appeals’ mediation office, all involved were able to find common ground on the need to protect the Wild and Scenic corridor into the future. I take heart in knowing that this jewel of the West will remain a treasured and protected landscape.”

- [Click this link](#) to read the letter sent by the Forest Service to Idaho Transportation Department: <http://bit.ly/2kyOf6s>.

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