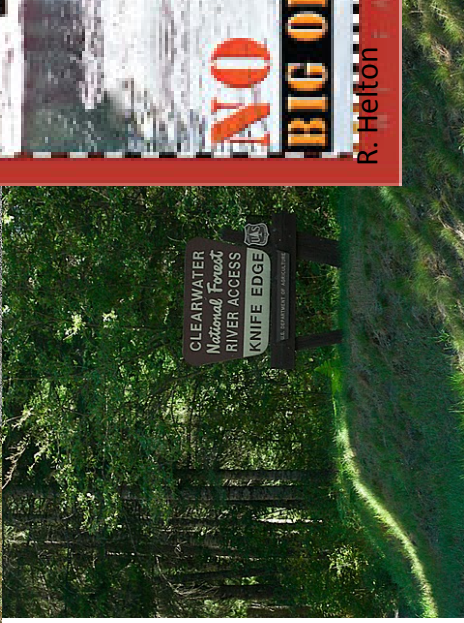
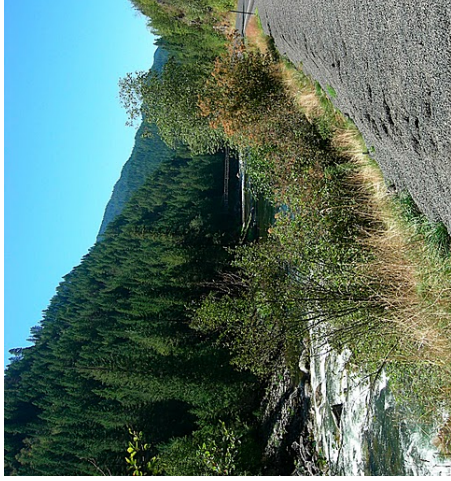
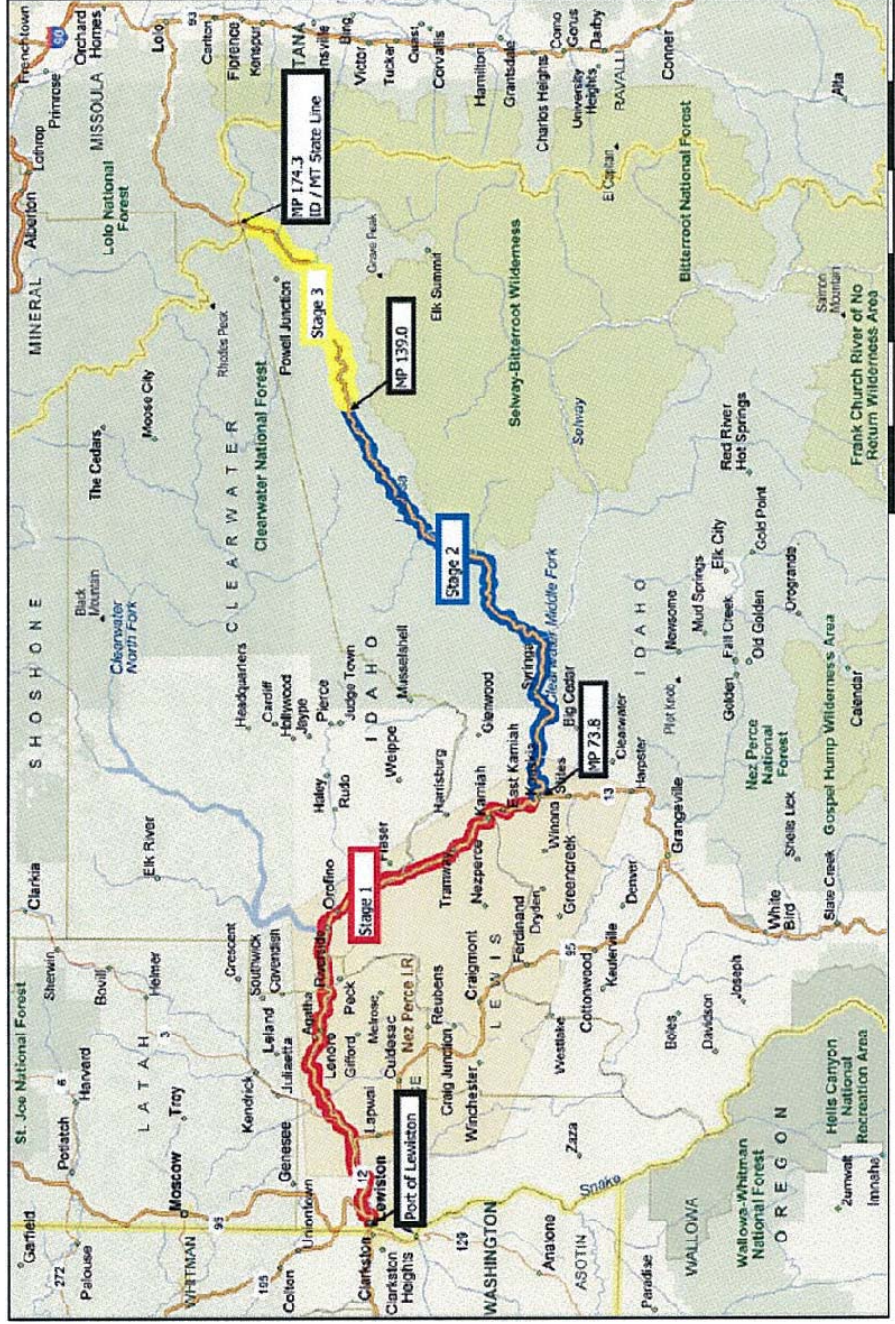


# Opposition to the Heavy Haul in

## Idaho



# The Idaho Route



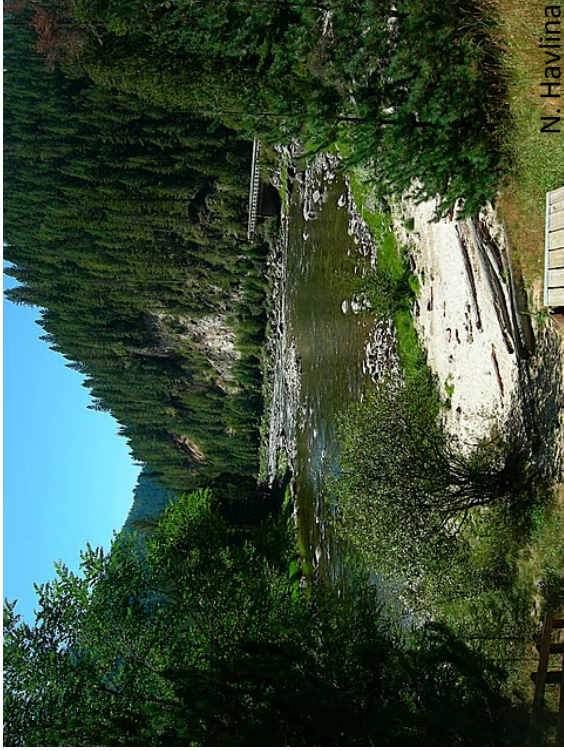
Mammoet, "Procedure" (April 13, 2010)

# Highway 12



## Northwest Passage Scenic Byway

# Wild and Scenic Rivers



# Lewis and Clark National Historic Trail



Idaho Tourism



Idaho Tourism



# Selway-Bitterroot Wilderness



# “Axles of Evil”



## Harvest Energy

*“If one oil company is successful with this alternative transportation route, many other companies will follow their lead.”*

-ITD TIGER grant application

Note: The title of this slide is a quotation from a sign held by an unknown individual at the demonstration discussed on Slide 12

# Idaho Opposition



And many others



# The Nez Perce Tribe



*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE  
P.O. BOX 305 • LAFWAI, IDAHO 83440 • (208) 843-2225

Nez Perce Tribe Issues Resolution Opposing  
Transport of Oil Sand Mining Equipment Through Nez Perce Reservation

For Immediate Release

July 2, 2010

Lafwai, Idaho --The Nez Perce Tribal Executive Committee (NPTEC) passed a resolution today opposing the Keant Module Transportation Project. The highly controversial project by Imperial Oil, a Canadian subsidiary of ExxonMobil, is to haul from Lewiston by truck more than 200 oversized loads of mining equipment which would weigh up to 140 tons and range in length from 170 to 210 feet. The shipments are scheduled to occur at night and would begin this fall and continue through the winter. The route includes travelling over 70 miles of the Nez Perce Reservation on Highway 12, alongside the scenic Lochsa and Clearwater Rivers, through Montana and ultimately to the Keant Oil Sands Project in Alberta, Canada. The equipment will be used there to mine oil sands. The project would be an unprecedented use of Highway 12 that the Nez Perce Tribe believes would establish a dangerous and unacceptable precedent in one of the most beautiful and pristine federally-protected corridors in the United States and home to the Nez Perce people since time immemorial.

In making the decision, the Nez Perce Tribe carefully considered the proposal, including current information that was presented to the Tribe in meetings with representatives of Imperial Oil, as well as Mammoet Canada Western's transportation plan. The decision to oppose the project was based on several overwhelming concerns implicating the protection and preservation of the corridor and associated rivers that have significant treaty-reserved, cultural, historical and natural resource value to the Tribe.

The proposed use of this wild and scenic corridor that runs through the Nez Perce Reservation was never envisioned by the Nez Perce Tribe when Highway 12 was completed in

- 70 Miles of Route on Reservation
- Nez Perce National Historic Trail
- Sacred sites
- Safety concerns

“The Tribe will also not support, even indirectly through this project, an environmentally destructive method of petroleum extraction that will have profound negative impacts on the First Nations communities of Canada.”

# Sharing information

*The Rural People of Highway 12*

*Fighting Goliath*

[www.fightinggoliath.org](http://www.fightinggoliath.org)

- Mobilizes action network
- Provides accurate information for Heavy Haul opponents
- Communicates with media
- Archives news articles
- Provided seven “Alerts” to ITD

# Voicing opposition

## “Open houses” become Public Meetings



### Petition to Deny Permits for Transport of Massively Oversized Equipment on U.S. Highway 12

We, the undersigned, strongly oppose the issuance of permits to Exxon Mobil/Imperial Oil, Conoco Phillips and other corporations to transport massively oversized, road-obstructing industrial equipment on U.S. Highway 12.

These transports would degrade the intrinsic qualities of the Northwest Passage Scenic Byway and All-American Road; impede the travel of locals and visitors for pleasure, recreation, business, and emergencies; potentially damage the road and bridges and accrue costs to American taxpayers; pose a serious threat to a world-class fishery and wildlife corridor; and severely impact the single growing industry of the U.S. 12 corridor: travel/tourism.

Therefore, we the undersigned petition the Idaho Transportation Department and Governor Otter to deny permits for the transport of any and all such massively oversized, road-obstructing loads.

| Printed Name          | Signature          | City/State         |
|-----------------------|--------------------|--------------------|
| 1. <i>[Signature]</i> | <i>[Signature]</i> | Peck               |
| 2. <i>[Signature]</i> | <i>[Signature]</i> | Peck Idaho         |
| 3. <i>[Signature]</i> | <i>[Signature]</i> | Orleans, ID        |
| 4. <i>[Signature]</i> | <i>[Signature]</i> | Reese, ID          |
| 5. <i>[Signature]</i> | <i>[Signature]</i> | Karelska, ID 83539 |
| 6. <i>[Signature]</i> | <i>[Signature]</i> | KAMWAT ID          |
| 7. <i>[Signature]</i> | <i>[Signature]</i> | Kenneth            |
| 8. <i>[Signature]</i> | <i>[Signature]</i> | Krasick, ID        |
| 9. <i>[Signature]</i> | <i>[Signature]</i> | Springe ID         |

## Petition to Idaho lawmakers 3,767 strong



# Protesting the arrival of the Kearsal loads



M. Holte



M. Holte

# The Political Landscape: Governor C.L. “Butch” Otter

“[O]n behalf of the State of Idaho, I pledge our support and cooperation to enhance the development of this important new business opportunity, in partnership with the Port of Lewiston, City of Lewiston, Nez Perce County, and local economic development officials. As the project progresses, we look forward to working with the Port of Lewiston, ExxonMobil, and Imperial Oil to facilitate this exciting project.”

-Letter from Otter to Port of Lewiston Commissioners,  
January 9, 2009



# The Political Landscape: Idaho's Congressional Delegates

“We look forward to hearing the outcome of the validation move and understand that should the move prove successful, there exists the potential to import hundreds of component modules through the Columbia/Snake River System and Port of Lewiston.”

-Letter from Mike Crapo, Mike Simpson, James E. Risch, and Walt Minnick to the Port of Lewiston Commissioners, February 5, 2009

Update: On August 5, Minnick asked Otter to defer approval of Kearl Project until “the issues has been fully vetted.” Otter refused.



# The Political Landscape:

## Local Allies

- Representative Tom Trail
- Representative Shirley Ringo
- Representative Wendy Jaquet
- Candidate Keith Allred



# Legal Opposition

## Letter to Clearwater National Forest urging it to act on legal violations



August 11, 2010  
Rick Brundell  
Forest Supervisor  
17350 Highway 12  
Oroville, Idaho 83444

Dear Mr. Brundell,

I am writing on behalf of Idaho River United, Friends of the Clearwater, and a number of concerned citizens who live on or near Highway 12 to urge the Clearwater National Forest to take action to prevent the Idaho Transportation Department ("ITD") from engaging in illegal activity within the boundaries of the Clearwater National Forest. Specifically, we urge the Forest Service to notify ITD that the issuance of overflight permits for the Ernest Project<sup>1</sup> and/or the Keat Mobile Transport Project ("Keat")<sup>2</sup> would violate the authorizations listed below and request ITD to seek all necessary and appropriate special use permits.

The Clearwater National Forest ("Clearwater NF") manages the U.S. Highway 12 corridor in cooperation with ITD under a series of plans and agreements. ITD intends to issue permits allowing ConcessPhillips ("Concess") and Imperial Oil/Econohol ("Econoh") to transport over 200 overcut logs from the Port of Lewiston along Highway

<sup>1</sup> In this letter, "Ernest Project" refers to Concess's applications for overflight permits to work on equipment, such as skid steers, tractors, and log skidders, and to transport logs, in the Clearwater National Forest. ConcessPhillips has submitted an Ernest Environmental Impact Statement ("EIS") to the Idaho Department of Transportation ("IDOT") to transport the logs.

## Comments submitted to ITD receive no response

Advocates for the West  
Idaho River United  
Friends of the Clearwater  
Idaho Transportation Department  
Boise, ID 83721

Idaho River United  
Friends of the Clearwater  
Idaho Transportation Department  
Boise, ID 83721

Idaho River United  
Friends of the Clearwater  
Idaho Transportation Department  
Boise, ID 83721

July 14, 2010

Frank Noss, Director  
Idaho Transportation Department  
Boise, ID 83721-1129

Dear Mr. Noss,

The following comments regarding the Keat Mobile Transport Project and the Ernest Project<sup>1</sup> are submitted on behalf of Advocates for the West, Idaho River United, and Friends of the Clearwater. Advocates for the West is a nonprofit organization that works with other conservation groups and activists across the West to protect and restore the native ecosystems and wildlife of the western United States. Idaho River United is a conservation group dedicated exclusively to protecting and restoring the river of Idaho. Friends of the Clearwater is not-for-profit conservation organization that defends the Idaho Clearwater River's riparian wetlands and biodiversity through a litigation, grassroots public involvement, outreach, and education.

We urge the Idaho Transportation Department ("ITD") to deny Ernost and ConcessPhillips' applications for overflight permits for the Keat Mobile Transport and Ernest Projects. Not only does ITD possess the authority to deny these permits, it would be illegal for ITD to grant them. Specifically, granting these overflight permits would violate:

- IDAPA 16.01.01.0100;

<sup>1</sup> In these comments, "Ernest Project" refers to ConcessPhillips' applications for overflight permits to work on equipment, such as skid steers, tractors, and log skidders, and to transport logs, in the Clearwater National Forest. ConcessPhillips has submitted an Ernest Environmental Impact Statement ("EIS") to the Idaho Department of Transportation ("IDOT") to transport the logs.

"I recognize that I have no jurisdiction to stop these shipments, but I do oppose the idea of allowing this precedent to be set."





# ConocoPhillips Litigation

Laughy et al. v. ITD, CV40411

From filing

To Temporary Restraining  
Order



To ruling on the merits

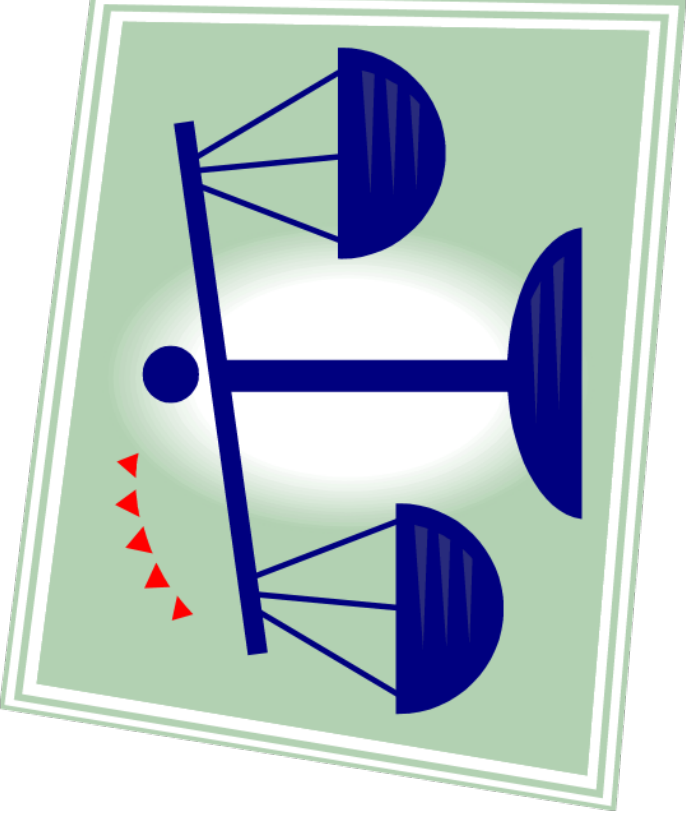


In eight days



# Appeal to Idaho Supreme Court

Idaho Supreme Court granted expedited hearing



Hearing held October 1

Awaiting ruling

# Future Legal Options: Administrative Appeal

**RECEIVED**

OCT 13 2010  
ITD  
LEGAL SECTION

Natalie J. Havlina (ISB # 7498)  
Laurence ("Laird") J. Lucas (ISB #4733)  
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llucas@advocateswest.org  
Attorneys for Petitioners

**BEFORE THE IDAHO TRANSPORTATION DEPARTMENT**

LINWOOD LAUGHY, KAREN  
HENDRICKSON, and PETER GRUBB,  
Petitioners,  
vs.  
IDAHO TRANSPORTATION  
DEPARTMENT, a department of the  
State of Idaho,  
Respondent.

Case No. \_\_\_\_\_  
**PETITION FOR CONTESTED  
CASE HEARING RE:  
OVERLEGAL PERMITS  
FOR KEARL MODULE  
TRANSPORT PROJECT**

Petition for Contested Case  
Hearing filed October 19

1. Petitioners Linwood Laughy, Karen Hendrickson, and Peter Grubb hereby petition the Idaho Transportation Department ("ITD") to conduct a contested case hearing under the Idaho Administrative Procedure Act and implementing regulations, as cited below, with respect to ITD's determination whether to issue overlegal permits sought for the Kearl Module Transport Project ("Kearl Project"); and following such hearing, to deny the requested permits under the ITD regulation provisions cited below.
2. Under the Kearl Project, ExxonMobil and its affiliate Imperial Oil ("Exxon Imperial"), acting through contractors and/or other agents, have submitted initial and revised traffic control plans to ITD, seeking overlegal permits to haul some 207

PETITION FOR CONTESTED CASE HEARING -- 1

