



United States
Department of
Agriculture

Forest
Service

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File Code: 2730

Date: June 17, 2013

Scott Stokes
Chief Deputy
Idaho Transportation Department
PO Box 7129
Boise, ID 83707-1129

Dear Mr. Stokes:

I want to thank you and your staff for engaging the Forest Service as you consider proposals for oversized loads on US Highway 12. I appreciate the communication and cooperation we have had between our agencies. I want to convey my thoughts regarding the Idaho Department of Transportation's (ITD's) continued authorization of oversized loads on US Highway 12.

The authorization of oversized loads needs to consider the continued enjoyment of this area by people traveling, living, working, and recreating in the corridor, particularly during the season of heavy visitor use. The experience people expect to find is a narrow, winding road with beautiful views of the Lochsa and Clearwater Rivers and surrounding wild lands, with road-side turnouts available for them to take it all in. This is the experience marketed by the ITD web-site and Scenic Byways brochures and is found in Forest Service information as well.

Our agencies have been sharing information on oversized load permits since the federal court ruling. The majority of oversized loads I have little concern over. Such loads travel the corridor quickly, have minimal, if any, effect on traffic flow, turn-out availability or visitor experience. Therefore, I do not see a need for additional review or communication on these types of loads.

However, since Judge Wynmill's ruling we have not had to address proposals for transport of what has been deemed by the media as a "megaload". I was drafting this letter last week in anticipation of future proposals, as we feel it is important to identify criteria for oversized loads that would require additional review. However, we are now in receipt of a Traffic Control Plan from Omega Morgan provided to us by the District 2 office. Following are criteria we will use to determine which oversized loads require additional Forest Service review:

1. Require traffic to be fully stopped (either on or adjacent to the highway) to allow passage of the oversized load, or
2. Require longer than 12 hours to travel through the Wild and Scenic River Corridor and National Forest (MP 74 to 174), or
3. Require physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance.



The Omega Morgan proposal triggers all of these criteria. Transport of such loads may impact visitor and traveler experiences and affect cultural and intrinsic values associated with the corridor. How these values are affected by oversized loads is difficult to define. Until we have a clear understanding of these potential impacts, I cannot support authorization of such oversized loads through the National Forest or within the Wild and Scenic River corridor.

The Forest Service continues to desire to work with you, the Federal Highway Administration and the Nez Perce Tribe to define the physical and intrinsic values associated with the Highway 12 corridor that may be affected by oversized loads. Clearly defining the intrinsic values is most difficult and where we need to gather the most information. We believe that can be accomplished using social science methodologies and look forward to discussing that opportunity and timelines with you. Until such an assessment can be completed, and its findings incorporated into an MOU or other agreement between ITD and the Forest Service, I cannot agree to the current ad hoc process of authorizing such use. Any proposals meeting the interim criteria will require formal consultation with the Nez Perce Tribe which may take substantial time.

I appreciate your authority and expertise in matters relating to highway travel and safety and have committed my staff to continue to work with you as they have in the past to facilitate your management, operations and maintenance of Highway 12. However, the U.S. District Court has ruled that my agency has full authority to protect the Wild and Scenic River corridor and its values notwithstanding the States easement for U.S. 12. I hope you will work with us as we seek to redeem our respective duties.

Sincerely,



RICK BRAZELL

Forest Supervisor

cc: Craig P Trulock, Heather Berg
ITD District 2 – District Engineer
Nez Perce Tribe – Mike Lopez
Federal Highway Administration – Peter Hartman