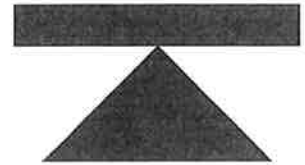


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December 19, 2013

Idaho Transportation Department  
600 West Prairie  
Coeur d'Alene, Idaho 83815

Re: Megaloads Need Special Ramp

Dear Sirs:

On Wednesday, the Coeur d'Alene Press had a story under the above headline with a side note that you would accept comments this afternoon. I submit my comments herewith.

My comment is that the ramp would create a very serious adverse environmental danger to Coeur d'Alene Lake and Wolf Lodge Bay.

As it happens, I have had considerable experience suing the Idaho Transportation Department on environmental grounds with a fair amount of success. I also have special and unique knowledge of the Higgens Point highway area.

On behalf of concerned citizens, I have filed suit in state and federal courts against ITD in these places: Wallace, Sandpoint Bridge, Sand Creek, I-90 at Wolf Lodge Bay, at Mica Bay, and most recently, Paradise Ridge, south of Moscow.

Let me concentrate on Higgens Point. In or around 1970 or early 1980, ITD, with federal money, built the bridge at Blue Creek Bay. The engineers drilled for pilings in Blue Creek Bay, east of Higgens Point to reach rock which they did. The drilling was done with rotary swivels which cut through the mud until reaching the basalt basis.

This was my first I-90 lawsuit and we lost. However, the drilling reports were read by ITD and used again in the final construction of the I-90 freeway.

ITD's engineers misinterpreted the reports by failing to recognize that these were rotary drills which cut 10 to 20 feet into mud before reaching bed rock. The engineers totally overlooked the depth of the soil in the lakebed in the final freeway construction.

The last leg to complete I-90 freeway called for a major branch of the highway to go up to the north to connect with the national forest.

In any event, at Higgins Point contractors following ITD and Federal Highway Administration plans arranged for deep cuts into north banks which provided the source for the interchange by dumping the fill into the lake. The fill in the lake would provide space for an interchange with a highway to go uphill under the freeway into the forest.

The specifications were that no more than two (2.0%) percent of the fill could contain sediment. The inspector hired by ITD had associate's graduate degree from North Idaho College in forestry. He knew nothing about his assigned task. He approved every pile of rock and soil for dumping into the lake.

The fill bulldozed off the north slope to be dumped in the lake all had growing vegetation which had needed more than two percent soil to grow. ITD and the contractor did not undertake any effort to clean up the piles before pushing these into the lake.

One summer day, the inevitable happened. All the fill that the contractor had placed in the lake collapsed spreading out in the lake over the muck. With the collapsing fill went a motor grader and a bulldozer. Drivers of both survived. I later talked to the operator of the bulldozer who said it was a terrifying experience. He said that there was no indication of collapse before it happened.

A month or so later, I filed an environmental suit in federal court alleging violation of the National Environmental Protection Act and other federal and state statutes. Suit was brought in the name of Coeur d'Alene Lake as a lead

plaintiff with other individuals and the Kootenai Environmental Alliance joined as plaintiffs.

ITD estimated that the collapse fill totaled about 600,000 square yards. The collapse was attributed to excessive soil in the fill and failure to recognize that the lake bed was covered with ten to twenty feet of unstable mud covering the under lying basalt. ITD abandoned the interchange for the branch highway to the national forest.

We retained Jim Meckel, PLS who estimated from piles on shore that the sediment content exceeded ten percent.

I used another expert, my golden retriever "Greco". With camera in hand, I took Greco to the slope going into the lake and threw out sticks and Greco raced down the fill into the water. Behind him in the water was visible brown trail of dirt that had clung to him as he descended. I made the photos part of an affidavit filed in the lawsuit.

Present confirmation of the soil content can be seen today at Higgens Point. Trees and brush are thriving on the slope from the roadway into the lake. Trees and brush need soil to grow. Today the lake bottom still has ten or twenty feet of muck.

The bank into the lake is stable enough for the light cars on the pavement above. What ITD is considering will change that situation drastically. You describe the megaloads as 472 feet long, 27 feet wide, 16 feet tall weighing 1.6 million pounds.

The proposal is to build a concrete ramp from the road at Higgens Points up several hundred feet to the freeway. That concrete ramp will have all of its weight upon this potential unstable area. The weight of the concrete ramp will most certainly exceed 1.6 million pounds.

My Sand Creek NEPA lawsuit brought some years later in the name of the Clark Fork Coalition was based on a new ITD road on Highway 95 that had collapsed into the creek. The United States Attorney intervened on our side and we ultimately settled with sizable payment by ITD for mitigation.

In the documents produced in discovery, one of the ITD engineers is quoted as saying, "This looks a lot like what happened at Wolf Lodge Bay." Slow learners.

We settled the lawsuit with ITD with a commitment by the state to build the bike trail from Higgens Point to Coeur d'Alene.

ITD is now trying to give the highway from city limits to Higgens Point to the city. The concrete ramp, megaloads and the risk of total collapse will come with that transfer.

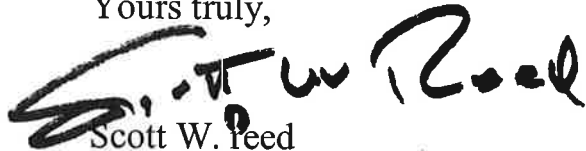
I beg you to remember. Look at your files on the I-90 collapse at Higgens Point. Take note of the instability of the fill and the depth of mud above the lake bed.

The litigation that cut off megaloads on the Clearwater River to Montana was environmentally based. Coeur d'Alene Lake is protected by statutes and by environmental regulations. The Superfund lawsuits have emphasized protection of the water.

Wolf Lodge Bay is a special place. The kokanee spawning in December has resulted in the ever increasing eagle visitation, this year exceeding 200. If that bank collapses again caused by megaloads and the concrete ramp, the kokanee spawning will be wiped out and the eagles will be gone.

If the ITD approves the megaloads request and seeks to build the concrete ramp, my advice to the Kootenai Environmental Alliance and other environmental organizations and concerned individuals plus Advocates for the West will be to seek an injunction.

Yours truly,



Scott W. Reed

Cc: Kootenai Environmental Alliance  
Laird Lucas Advocate for the West