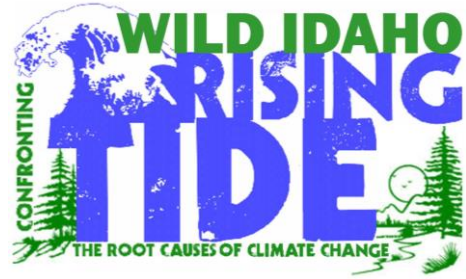


Wild Idaho Rising Tide
P.O. Box 9817, Moscow, Idaho 83843
Phone: 208-301-8039
Email: wild.idaho.rising.tide@gmail.com
Website: WildIdahoRisingTide.org



June 11, 2014

Mary Hasenoehrl, Commission President
mlhasenoehrl@lsc.edu
Jerry Klemm, Commission Vice President
(email address not publicly available)
Mike Thomason, Commission Secretary/Treasurer
(email address not publicly available)
David Doeringsfeld, Manager
portinfo@portoflewiston.com
Port of Lewiston
1626 Sixth Avenue North
Lewiston, Idaho 83501
208-743-5531

Sent via email and attachment

WIRT Comments on Port of Lewiston Fiscal Year 2015 Budget

Ms. Hasenoehrl, Mr. Klemm, Mr. Thomason, Mr. Doeringsfeld, and all,

On behalf of concerned Idaho and regional citizens, potentially impacted human and non-human residents along U.S. Highways 12 and 95 and Interstate 90 transportation corridors from the Port of Lewiston ("port"), over 2400 members, friends, and allies of Wild Idaho Rising Tide (WIRT), and port-affected air, water, and soil quality, I offer for the public record the enclosed and attached comments about the proposed Port of Lewiston budget for fiscal year (FY) 2015, currently under review by the Port of Lewiston Commissioners and as described in the Notice of Hearing Upon Proposed Budget: Port of Lewiston, Nez Perce County, Idaho and in the Port of Lewiston Resolution 14-2: Tax Levy and Budget Hearing [1, 2].

Public Participation in Port Budget Decisions?

Before we provide input on the budget of the big boondoggle* on the banks of the Clearwater River – the Port of Lewiston – we request that port officials extend and expand their considerations of public comments and their deliberations and that they provide another public hearing about the port's FY 2015 budget for, but not limited to, these reasons:

1. Port of Lewiston Resolution 14-2 states: “Be it further resolved that the port attorney prepare and cause to be published a copy of the proposed budget, together with a notice of hearing thereon, in the Lewiston Morning Tribune at Lewiston, Idaho, as provided by law.” No electronic copy of the budget appears along with the June 11 meeting notice, as legally mandated, upon searches for “Port of Lewiston, budget” in The Lewiston Tribune Online, lmtribune.com [3]. Did the budget and meeting announcement appear in the Notices section of the printed version of the Lewiston Tribune, to alert interested stakeholders to the commissioner meeting and budget hearing?
2. No email or mailing address, phone number, or any other form of contact information of any of the port commissioners is publicly available on the About Us: Commissioners page of the Port of Lewiston website [4]. How should Americans concerned about port business reach these port representatives charged with decisions affecting citizens’ economic and environmental circumstances?
3. According to a Tuesday, June 10, phone conversation with port manager David Doeringsfeld, the June 11 port meeting will occur at the publicly inconvenient time of 7 am, to accommodate several port commissioners’ 8 am workday starting times. No responsible employee who must be physically present at 8 am in their workplace anywhere beyond Lewiston can reasonably attend the June 11 budget hearing and arrive at their place of employment on time. Furthermore, the last three port commission meeting minutes posted on the port website, from April 23 and 30 and May 7, 2014, indicate that port commission meetings took place at 3:30 pm, a more realistic time for public participation [5].
4. Commenters searching for more detailed explanations of the port’s FY 2015 budget can find no port commission meeting minutes after May 7, 2014, posted on the Port of Lewiston website, assuming that the upcoming budget has been the topic of port commissioners’ discussions at meetings that have otherwise occurred from twice to five times monthly throughout 2014 [5].
5. Citizens providing input on the port’s FY 2015 budget had only one Lewiston Tribune newspaper article available about this subject until June 10, 2014, entitled *Port of Lewiston Wants Megaloads Back*, dated May 15, 2014, and revealing that at least one more port commission meeting has transpired since the port’s last posted meeting minutes [6].

Budget Items Counter the Port’s Mission

Wild Idaho Rising Tide has called upon its contacts through various media to participate in a port protest and to offer oral public comments [7]. We primarily oppose increases in port budget funding for legal services to interfere with lawsuits concerning Highway 12 overlegal loads (“megaloads”) and for port administration travel and professional development that invites and facilitates Alberta tar sands and fracked Bakken shale oil exploitation equipment. The following excerpt from the aforementioned Lewiston Tribune article qualifies these port initiatives deserving our ongoing resistance that defends both Highways 12 and 95 from fossil fuel infrastructure and other megaloads.

As the Port of Lewiston crafts its budget for the coming fiscal year, the port is seeking to increase the amount it sets aside for legal expenses, from \$9,000 this year to \$33,000 next year, to be prepared for litigation to keep the U.S. Highway 12 corridor open for megaloads. It has also more than doubled the money available for administration travel to \$21,500. ...In upcoming months, [port manager] Doeringsfeld...will also visit places such as Spokane and the oil fields in North Dakota, looking for new outgoing and incoming cargo. ...Port commissioners took the first of two votes on Wednesday, [May 14] needed to impose the tax on Nez Perce County residents. The next one will be at the port's budget hearing at 7 am on June 11 [6].

Expensively costing Nez Perce County and Idaho taxpayers more than it has earned ever since it was built, the port now intends to waste more hard-earned tax dollars on unnecessary port ventures that counter Idahoans' best interests in a clean energy future, not to mention their fondest desires for the integrity of indigenous and public lands and rights, highways, water, air, and climate. WIRT wonders why port officials are so eager to attract business that has met so much regional resistance, why they feel compelled to get involved with external legal actions, and if the port's mission and charter condone such activities advanced by the proposed megaload-facilitating budget. The budget items at issue would likely precipitate conditions as summarized in the following comment section, decidedly obstructing, not accomplishing, the Port of Lewiston's mission to "work together to improve...the standard of living within our community." These megaload-imposed circumstances pale against the economic imperatives of the marginally functional port holding Lewiston hostage to the inherent risks of catastrophic flooding, as increasingly perilous levees impound the Clearwater River at levels above downtown.

Prior, Extensive, & Cumulative Impacts

Consider just one of numerous heavy haul projects originating at the Port of Lewiston. Between April 11, 2011, and March 6, 2012, Mammoet USA South ("Mammoet") hauled over 70 transports weighing up to 500,000 pounds on U.S. Highways 12 and 95 and Interstate 90 through northern Idaho, between the Port of Lewiston and Lolo Pass or Lookout Pass and into western Montana. Until June 2012, it transported another 280 modules across Washington, Idaho, and Montana, from Interstates 5 and 405 or U.S. Highway 395 onto Interstates 90 and 15. All of these 350 megaloads passed through northern Idaho. Expensively and dangerously facilitated by the Idaho Transportation Department (ITD), state police, and private contractors, Mammoet's Imperial Oil shipments imperiled the safety and schedules of travelers, while delaying, confusing, and blocking public highway access and traffic with their 16- to 24-foot, two-lane widths and lengthy, glaring cargoes and convoys. Transport operations caused personal injury and property damage through numerous accidents and collisions with vehicles, tree branches, and power lines, as they degraded highways with washboard ruts in lane centers, and pummeled saturated road beds, crumbling shoulders, and outdated bridges [8-11]. Concurrent, colossal, transportation ventures through the region, imposed by other haulers, crashed into cliffs and impeded public and private emergency services [12, 13]. Most recently – and potentially significantly for water quality along the proposed Highway 12 megaload route beside federally designated wild and scenic rivers – ITD authorized application of 1000 gallons of de-icing fluid

of unknown chemical composition, to assist the re-start and summit passage of an Omega Morgan shipment hindered for weeks by weather and permit complications on the Idaho side of Lost Trail Pass [14].

Citizens concerned about the lax state oversight and myriad impacts of these overlegal loads, who have monitored, documented, and protested dangerous convoy practices and conditions, have additionally faced unwarranted targeting, surveillance, intimidation, harassment, and arrest by state troopers and county and city police sworn to serve public safety, but who instead protect corporate interests that challenge Idahoans' civil liberties and risk the health and wellbeing of people, places, and the planet [15]. To date, police have arrested 61 Rising Tide allied climate and tribal activists and cited four more during over one hundred direct protesting and monitoring confrontations of this corporate take-over of public highways. They and thousands of regional community members can attest that megaload operations are anything but safe, as private profit consistently usurps public interests. During one fiscal year, Imperial Oil transports cost the Idaho Transportation Department \$645,000 in administrative costs not covered by megaload permits, not to mention the millions of dollars that American taxpayers spend to repair public transportation infrastructure damaged by tar sands shipments [16].

Connecting Pacific-rim manufacturers to the North American interior, via the relatively cheap and easy Columbia and Snake River barge and lock transport systems reaching the farthest inland West Coast ports, federal highways across Idaho over the last three-plus years have endured growing numbers, sources, and sizes of overlegal and oversize loads en route to Alberta mines or Montana refineries producing tar sands. Accordingly, these critical links of U.S. Highways 12 and 95 and Interstate 90 enable and accelerate the significant impacts of Alberta tar sands mining and processing on public and environmental health and climate change. Considered the most expensive and destructive energy extraction project within the history and expanse of the Earth, exploitation of tar sands deposits inordinately poisons the irreplaceable air, water, and wildlife of First Nations lands and communities, exacerbates dangerously high atmospheric concentrations of carbon dioxide, greenhouse gases, and other pollutants amplifying climate change feedback loops, and prolongs the flawed politics and economics buttressing worldwide addiction to fossil fuels, while impeding international agreements and sustainable energy solutions that reduce global warming [17, 18]. Consequently, the seemingly localized and transitory Port of Lewiston fiscal year 2015 budget foreshadows ominous, cumulative impacts that demand urgent, prudent, and responsible port actions.

Requests & Recommendations

Wild Idaho Rising Tide and associates respectfully request that the Port of Lewiston and other responsible agencies extend and expand their review and public involvement processes and periods, to fully investigate the broader impacts of the port's proposed fiscal year 2015 budget. Thus far, the port's information provision and opportunities for input regarding this budget – both crucial to the public capacity for critical review and substantive comments – have been inadequate, incomplete, or omitted. Considering all of the herein described and other possible significant impacts of the port's budget on the environment, natural resources, public infrastructure, and associated health, social, and economic conditions of port-affected citizens, as well as mandatory port compliance with Idaho and federal laws and rules and the port's own

mission, we strongly recommend that the Port of Lewiston commissioners and manager address the concerns and issues raised in these comments and that the appropriate officials delay and/or deny the fiscal year 2015 port budget, based on further review and analysis.

Thank you,

/s/ Helen Yost
Wild Idaho Rising Tide
P.O. Box 9817, Moscow, Idaho 83843
wild.idaho.rising.tide@gmail.com
208-301-8039

*Boondoggle: (unknown 1930s origin) work or activity that is wasteful, pointless, or worthless but gives the appearance of having value; a public project of questionable merit that typically involves political patronage and graft; to waste money or time on such projects

[1] *Notice of Hearing Upon Proposed Budget: Port of Lewiston, Nez Perce County, Idaho* (May 14, 2014 Port of Lewiston)
<http://www.portoflewiston.com/wordpress/wp-content/uploads/2014/05/POL-FY15-Proposed-Budget-Notice.pdf>

[2] *Port of Lewiston Resolution 14-2: Tax Levy and Budget Hearing* (May 14, 2014 Port of Lewiston)
<http://www.portoflewiston.com/wordpress/wp-content/uploads/2014/05/Resolution-No-14-2.pdf>

[3] *Lewiston Tribune Online* (The Lewiston Tribune)
<http://lmtribune.com/>

[4] *About Us: Commissioners* (Port of Lewiston)
<http://www.portoflewiston.com/wordpress/about/commissioners/>

[5] *Meeting Minutes* (Port of Lewiston)
<http://www.portoflewiston.com/wordpress/about/agenda-minutes/>

[6] *Port of Lewiston Wants Megaloads Back* (May 15, 2014 Lewiston Tribune)
<http://www.portoflewiston.com/wordpress/port-wants-megaloads-back/>

[7] *WIRT Newsletter: Wednesday through Saturday Port of Lewiston and Idaho Republican Convention Protests* (June 10, 2014 Wild Idaho Rising Tide)
<http://wildidahorisingtide.org/2014/06/10/wirt-newsletter-wednesday-through-saturday-port-of-lewiston-idaho-republican-convention-protests/>

[8] *Highway 95 Megaload Accident* (Wild Idaho Rising Tide)
<http://wildidahorisingtide.org/category/news/highway-95-megaload-accident/>

[9] *Moscow Megaload Collision* (Wild Idaho Rising Tide)

<http://wildidahorisingtide.org/category/news/moscow-megaload-collision/>

[10] *Mega-Load Snaps Power Line, Causing Outage Along U.S. 12* (April 12, 2011 Boise Weekly)

<http://www.spokesman.com/blogs/hbo/2011/apr/12/megaload-snaps-h12-power-lines/>

[11] *Highway 95 Damage South of Moscow 4-2-12* (April 2, 2012 Wild Idaho Rising Tide)

<https://www.facebook.com/media/set/?set=a.585624671521881.1073741855.100002230610633&type=1&l=c511e72284>

[12] *Megaloads Hit Mega Snag, Again* (February 4, 2011 KREM)

<http://www.krem.com/news/local/New-plan-required-after-megaload-causes-long-delay-115300374.html>

[13] *Megaloads: The Long Night* (November 10, 2011 Missoula Independent)

<http://missoulanews.bigskypress.com/missoula/megaloads/Content?oid=1508790>

[14] *Mega Mess Left at North Fork* (January 24, 2014 Post Register)

<http://wildidahorisingtide.org/2014/01/24/mega-mess-left-at-north-fork/>

[15] *Media Release: More Charges Brought Against Tar Sands 'Megaload' Protesters in Moscow, Idaho* (March 10, 2012 Wild Idaho Rising Tide)

<http://wildidahorisingtide.org/2012/03/10/media-release-more-charges-brought-against-tar-sands-megaload-protesters-in-moscow-idaho/>

[16] *ITD Loses \$645,000 Annually on Oversize Load Permits* (January 24, 2012 Lewiston Tribune)

http://lmtribune.com/blogs/political_theater/article_cd8a4d48-46de-11e1-ac3f-0019bb30f31a.html

[17] *Megaload Facts* (Wild Idaho Rising Tide)

<http://wildidahorisingtide.org/megaload-facts/>

[18] *WIRT Comments to the City of Moscow on Highway 95 Megaloads* (June 16, 2011 Wild Idaho Rising Tide)

<http://wildidahorisingtide.org/2011/06/16/wirt-comments-to-the-city-of-moscow-on-highway-95-megaloads/#more-2066>