

On March 29th, 2011 we voted to file a lawsuit against the Montana Department of Transportation (MDT) for insufficient analysis of the effects of moving hundreds of oversized loads on Highways 12 and 200. The final decision came after we received no response to the latest request to MDT on March 3, 2011 specifically requesting additional information on the decision to move some of the large loads on the interstate highway system versus Highways 12 and 200. We believe that transporting those loads on the interstate is more appropriate, and we expressed our intention to pursue litigation if our information request was unanswered. We hoped to avoid litigation and provided MDT the opportunity to do so. This is a big decision, and it's one that we made with tremendous deliberation.

We have fielded numerous calls and emails asking questions about our decision. Citizens are curious about pursuing litigation at taxpayer's expense, and rightly so. This lawsuit will be done with existing staff and with existing resources. The County will not contract outside expert witnesses or outside legal counsel so the out-of-pocket expenses will be minimal.

Our responsibility is to ensure the public health, welfare and safety of Missoula County and its citizens. We deemed the Environmental Assessment (EA) and the Finding of No Significant Impact (FONSI) completed by MDT to be insufficient, and we've expressed that to MDT during the public comment period. Specifically, we have numerous, strong concerns about irreversible impacts to existing commercial activity including agriculture and timber products; the local tourism industry which has taken decades to develop; alternatives for emergency travel for both responders and citizens; permanent adverse impacts to the historic, environmental, and cultural corridors of Highways 12 and 200 through unneeded improvements; and environmental impacts to both Lolo Creek and the Blackfoot River and their resulting impacts to the recreation industry.

We're also concerned that conclusory statements in the EA and FONSI indicate that transport over the interstate system is not feasible. Those statements directly contradict the fact that modules are being reduced in size and could be transported over the interstate system.

We've also been asked to clarify our position on the loads traveling to Billings versus the loads traveling to Canada. We support oil and gas development in eastern Montana and are comfortable that the machinery transported through Missoula in March was done on a limited basis and without the need to make changes to the travel corridor.

Additionally, the infrastructure improvements necessary to transport large loads over Highways 12 and 200 establish the likelihood that the industrial transport corridor would be permanent which offers substantially more risk to adversely impact a wide range of values in our County that citizens hold dear.

Establishing this corridor in perpetuity essentially limits public involvement to this solitary, flawed process. Once this corridor is developed, public participation in future transportation projects, regardless of their nature, will be limited. Sufficient analysis and inclusive public process for this corridor must be ensured today.

We can not support establishing a permanent industrial transportation corridor without adequate analysis that addresses the concerns we have about adverse impacts to Missoula County's tourism industry, our environment, our economy, and property, cultural, and historic values. It is MDT's responsibility to provide that analysis. We assert that tax payer dollars are better spent now seeking to ensure these substantive concerns are addressed rather than after the damage is done and our way of life is inextricably lost.