

Friday the 13th is a great day! This morning we won a preliminary injunction closing US Highway 12 to future mega-loads, until the Forest Service studies their likely impacts and consults with the Nez Perce Tribe.

In Lead Attorney Laird Lucas's words, "The ruling is as sweet a victory as we could have hoped for; this is a great day for all of us who have worked so hard to protect one of Idaho's most beautiful places."

Chief US District Judge Winmill rejected the Forest Service's claim that they had authority "to review but not enforce" scenic values protected in the Clearwater/Lochsa Wild and Scenic corridor. As we argued, the court agreed that the Forest Service's position was "obviously...an erroneous reading of the Court's [February 2013] decision."

The decision goes on to say that by allowing an initial General Electric mega-load to pass through Hwy 12 on the week of August 5th, the Forest Service ignored its own rules on oversized loads within the Wild and Scenic River corridor and willingly chose to abdicate their statutory responsibilities.

And, in response to the Nez Perce Tribe's involvement in the case, Judge Winmill's decision states: "The Court also finds that they [Nez Perce Tribe] are likely to suffer irreparable harm if no injunction is issued. The plaintiffs are not seeking damages; they are seeking to preserve their Treaty rights along with cultural and intrinsic values that have no price tag."

The decision also addresses defendant Resources Conservation Company International's (RCCI) claim that their company stands to lose over \$5 million if they are not allowed passage through Hwy 12. The Court places the blame of that loss squarely on the defendant, stating: "RCCI decided...to proceed before the Forest Service could complete its corridor study and consultation with the Tribe. In other words, RCCI knowingly put its loads into a position where the company would incur \$5 million in losses if it must wait for the Forest Service review."

The court injunction will not affect normal traffic on Hwy 12 at all; it only closes the route to mega-loads. This is a truly incredible victory for all of us. The Court's decision sends a clear message that we will not be bullied by corporate Goliaths such as GE, Omega Morgan, and ExxonMobil.

Many thanks to our client Idaho Rivers United, to our co-counsel the Nez Perce Tribe, and to all of you for supporting us through this battle. Today we can say we took down a giant!