

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

IDAHO RIVERS UNITED,

Plaintiff,

v.

UNITED STATES FOREST SERVICE,
and UNITED STATES FEDERAL
HIGHWAY ADMINISTRATION,

Defendants.

Case No. 1:11-CV-95-BLW

JUDGMENT

In accordance with the Memorandum Decision filed with this Judgment,
NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED, that the defendant's motion to dismiss and for summary judgment (docket
no. 45) is GRANTED IN PART AND DENIED IN PART. It is denied to the extent it
seeks dismissal or summary judgment on the claims that the federal defendants
erroneously concluded that they lacked jurisdiction to review ITD's approval of the
mega-load permits. It is granted as to all other claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiff's
motion for partial summary judgment (docket no. 41) seeking a declaratory judgment that
defendants erroneously concluded that they lack jurisdiction to review ITD's approvals of
the mega-loads is GRANTED. Accordingly, the Court issues the following Declaratory
Judgment, and does hereby:

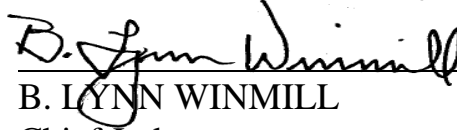
1. Adjudge and declare that the Forest Service and the FHWA acted unlawfully in determining that they lack jurisdiction to regulate the use of Highway 12 for mega-loads within the Clearwater National Forest and the Wild and Scenic River corridor;
2. Adjudge and declare that the Forest Service has authority and jurisdiction to enforce all relevant legal authorities, including, but not limited to, the Wild and Scenic Rivers Act, the Forest Service Organic Act, the National Forest Management Act, and implementing regulations, policies, agreements, and MOUs, as identified above, with respect to mega-load shipments proposed or approved within the right-of-way for U.S. Highway 12 held by ITD;
3. Adjudge and declare that FHWA has authority and jurisdiction to enforce all relevant legal authorities, including, but not limited to, the Highway Easement Deed, the Corridor Management Plan and FHWA's National Scenic Byways Interim Management Policy, with respect to mega-load shipments proposed or approved within the right-of-way for U.S. Highway 12 held by ITD.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the motion to supplement the administrative record (docket no. 40) is DEEMED MOOT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Clerk shall close this case.



DATED: **February 7, 2013**


B. LYNN WINMILL

Chief Judge

United States District Court