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Attorney for Plaintiffs

**IN THE DISTRICT COURT
FOR THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO**

LINWOOD LAUGHY, BORG)
HENDRICKSON, and PETER GRUBB,)
)
Plaintiffs,)
v.)
)
IDAHO TRANSPORTATION)
DEPARTMENT, an instrumentality of the)
State of Idaho,)
)
Defendant.)

No. _____

**AFFIDAVIT OF LINWOOD
LAUGHY**

Linwood Laughy, being duly sworn under oath, deposes and states:

1. My name is Linwood Laughy and I reside at 5695 Highway 12 near Kooskia, Idaho. The following matters are personally known to me.
2. I have resided in the Clearwater Valley for 48 years, including 26 years beside the Middle Fork of the Clearwater River.
3. I have owned personal and business property beside Highway 12 since 1965. I use the highway daily for personal, business, recreational, and/or medical reasons.

4. My wife Borg and I are sole or partial owners of three businesses located next to U.S. 12: a historical tour operation, a publishing company, and a decorated apparel business, all a part of north central Idaho's tourism industry.
5. My wife and I are very concerned about the possible issuance of overlegal permits for planned giant transports on U. S. 12 by ConocoPhillips and Imperial Oil/Exxon Mobil. We have attempted to express our concerns to the Idaho Transportation Department in every way we know how.
6. Our efforts have included attending two of the "open houses" conducted by ITD on behalf of Imperial Oil/Exxon Mobil, visits with ITD personnel, the submittal of extensive and detailed comments on both companies' actual transportation plans, and correspondence to ITD in the form of seven "Action Alerts." We have traveled the length of U. S. 12 in Idaho, noting significant problems with the highway's width and shoulders for such huge loads and reported our findings to ITD. We have also visited with the Idaho State Police regarding our concerns and what we believe are the concerns of many residents of north central Idaho.
7. Throughout these efforts, we have consistently received the impression that citizen input on this matter was immaterial to the decision-makers involved.
8. As a result of pressure from local citizens, ITD did hold three "open houses" about the planned Imperial Oil/Exxon Mobil transports. We attended the gathering in Lewiston on June 27 and the gathering in Kooskia on June 28.
9. I estimate that at least 100 people attended the Kooskia gathering. Based on their comments and my interactions with them, I am confident that more than 90 percent of those people oppose the heavy haul projects.

10. ITD tried to run the Kooskia meeting as an “open house” where local citizens could view posters prepared by Exxon Mobil and address their questions and concerns to individual Exxon Mobil representatives. The gathering’s attendees believed they had been invited to a public meeting and demanded a change in format. Although ITD vigorously resisted changing the format, the attendees insisted on the opportunity to ask public questions.
11. ITD has not held any open houses or public meetings about ConocoPhillips’ plan to haul even larger loads on Highway 12.
12. During my many interactions with ITD personnel over the last few months, ITD has consistently claimed that Idaho law requires ITD to issue permits for Conoco and Exxon’s giant loads as long as the transports will not damage the highway and bridges or create any safety problem.
13. ITD has repeatedly and publicly stated that the ConocoPhillips and Imperial Oil/Exxon Mobil transports must not delay traffic on U.S. 12 for more than fifteen minutes. When asked about this at the Kooskia meeting and told that Idaho regulations state the maximum traffic delay time is ten minutes, ITD’s District 2 Engineer, Jim Carpenter, told the audience, to the best of my recollection, “I’m not aware of that. We’ve always used fifteen minutes for overlegal loads.”
14. I believe that allowing the massive equipment shipments proposed by Conoco-Phillips and Exxon Mobile will injure me, my family, and my neighbors in numerous ways.
15. Turning U.S. 12 into a high-and-wide corridor will drastically decrease, if not outright destroy, the area’s tourism industry. As a former outfitter and continuing

tour company owner and operator, I have personally welcomed over 5000 guests to north central Idaho from all over the United States. Every one of these customers traveled on U.S. 12.

16. In the short term, the ConocoPhillips loads will reduce the business revenues my wife and I receive from our touring company and decorated apparel business. In the long term, we will lose additional revenue from the touring and apparel businesses, as well as book sales from the five books we publish that depend on tourist travel on U.S. 12 for continued sales.

17. I hunt, fish, float, swim, hike, camp and picnic along U.S. 12 in the Lochsa River corridor, often with friends or family members. These opportunities form a significant reason why I and many other residents have chosen to live in north central Idaho. I also have five grandchildren who live in the Clearwater Valley and have both the desire and responsibility as a grandfather to share with them the special values and family traditions this corridor supports. An industrial high-and-wide truck route on U. S. 12 is incompatible with the enjoyment, values and life style inherent in these activities.

18. Unless the Court grants an injunction to stop the Conoco shipments, I understand they will commence on or after Wednesday, August 18, 2010, and cause irreparable harm to myself, my family, and to the local community.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated August __, 2010 at _____, Idaho.

Linwood Laughy

STATE OF IDAHO §
 §
COUNTY OF IDAHO §

Subscribed and sworn to before me on _____ at
_____, Idaho.

Notary Public for the State of Idaho
Residing at _____
My commission expires: _____