

Natalie J. Havlina (ISB # 7498)
nhavlina@advocateswest.org
Advocates for the West
P.O. Box 1612
Boise, ID 83701
(208) 342-7024
(208) 342-8286 (fax)

Attorney for Plaintiffs

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

LINWOOD LAUGHY, BORG)	
HENDRICKSON, and PETER GRUBB,)	
)	No. _____
Plaintiffs,)	
v.)	AFFIDAVIT OF PETER
)	GRUBB
IDAHO TRANSPORTATION)	
DEPARTMENT, an instrumentality of the)	
State of Idaho,)	
)	
_____ Defendant.)	

Peter Grubb, being duly sworn under oath, deposes and states:

1. My name is Peter Grubb. The following facts are based on my personal knowledge.
2. My wife and I are the owners of ROW Adventures, one of the nation's top-rated adventure travel companies. Among other adventures, we take guests on river trips down the Lochsa River. I have been running the Lochsa River since 1984. My company also runs trips on the Middle Fork of the Clearwater River and the lower Selway River below the falls.
3. My wife and I also own the River Dance Lodge, which is located at milepost 90 on Highway 12, near the town of Syringa (Idaho County). The River Dance

- Lodge represents, to my knowledge, the largest investment in tourism infrastructure in Idaho County in the last decade, if not longer. The River Dance Lodge offers food and lodging to sportsmen, tourists, vacationers, and travelers, who are drawn here by the incredible scenic beauty, fishing, rafting, hunting, hiking, and other amenities. We also offer rafting, biking and hiking trips, all accessed by using Highway 12, combined with lodging at River Dance Lodge.
4. The Middle Fork of the Clearwater River, along with its tributaries the Lochsa and Selway Rivers, was one of the original Wild and Scenic Rivers designated by Congress in 1968. Highway 12 is designated as the Northwest Passage Scenic Byway. Congress has also designated Highway 12 as an All-American Road.
 5. Over the past year or so, road construction on Highway 12 has created a serious problem and nuisance for the River Dance Lodge and our guests and employees. The construction activities have included traffic delays, as well as additional traffic, and loud noises at night, that guests have complained about. Our business revenues have declined substantially in terms of both overnight guests and café business, which I believe is due in large part to the Highway 12 activities, since our bookings on trips located in other areas are up.
 6. I have sent written comments twice to the Idaho Transportation Department about my concerns over the Highway 12 construction, and proposed shipments of massive oil field equipment up Highway 12 from Lewiston to Missoula. ITD brushed off my concerns, ignoring my main concerns regarding damage to my business. This indicates to me that ITD is not seriously considering public convenience and safety.

7. Until very recently, ITD did not even publicly disclose that Highway 12 may be turned into a “high and wide” corridor – apparently the nation’s first – for shipping massive equipment imported from overseas. In my opinion, it is totally inappropriate to transform Highway 12 along the Clearwater and the Lochsa Rivers into such an industrial corridor for oversized loads. It is contradictory to the intent of Congress clearly defined when these rivers were designated as federally protected Wild and Scenic Rivers in 1968. It is also contradictory to the recent designation of Highway 12 as an “All American Road.”
8. The complaints of my guests and the decline in business at my lodge indicate to me that the reputation of the Lochsa River corridor as a tourist and recreation destination has already suffered. I am deeply concerned that allowing the massive equipment shipments proposed by ConocoPhillips and Exxon Mobil will destroy that reputation irreparably.
9. I believe that not only myself, but also my employees and guests at the River Dance Lodge will be harmed by the planned ConocoPhillips shipments in various ways, including through excessive traffic delays, reductions in our business revenues; and damage to the area’s reputation.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated August ____, 2010 at _____, Idaho.

Peter Grubb

STATE OF IDAHO §
 §
COUNTY OF _____ §

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

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