

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE MISSOULA CITY COUNCIL COMMENTING ON THE MONTANA DEPARTMENT OF TRANSPORTATION'S KEARL MODULE TRANSPORTATION ENVIRONMENTAL ASSESSMENT AND REQUESTING THE HEIGHTENED LEVEL OF SCRUTINY AFFORDED BY AN ENVIRONMENTAL IMPACT STATEMENT CONDUCTED UNDER THE MONTANA ENVIRONMENTAL POLICY ACT AND THE NATIONAL ENVIRONMENTAL POLICY ACT.**

**WHEREAS**, Imperial Oil/Exxon Mobil (Exxon) applied for permits from the Montana Department of Transportation (MDT) to transport approximately 200 oversize loads through Montana, including through Missoula's city limits; and

**WHEREAS**, moving loads as large as 24 feet wide, 210 feet long and 30 feet high and weighing up to 580,000 pounds will require extensive construction over almost 300 miles of Montana highways, including but not limited to permanently raising or burying utility lines at 572 locations, modifying or installing 33 traffic structures, permanently modifying 22 existing highway turnouts and building 53 new highway turnouts; and

**WHEREAS**, Exxon proposes to move up to two loads per day through Montana, including the movement of three to four loads per week through Missoula for 12 months; and

**WHEREAS**, the construction required for these large loads will create a permanent high/wide corridor through Montana and Missoula that will attract the interest of additional oversize trucking projects destined for Alberta, as set forth in the draft Environmental Assessment's (EA) Past, Present and Reasonably Foreseeable Impacts section and in MDT Director Jim Lynch's 2009 "Proposed High and Wide Corridors Briefing" to a Montana Legislature committee; and

**WHEREAS**, the draft EA's Purpose of the Project does not address the creation of a permanent corridor to serve future oversize trucking; and

**WHEREAS**, the draft EA does not include an adequate consideration of alternative routes, including a route from the Port of Houston currently being used to transport oversize loads destined for Alberta tar sands projects; and

**WHEREAS**, scoping of the EA was conducted without formal public comment or consideration of the long-term impacts of the project through a programmatic review, therefore limiting MDT's impacts analysis to Exxon's specific proposal rather than adequately addressing the direct, secondary and cumulative impacts of creating a permanent high/wide corridor through Montana and Missoula; and

**WHEREAS**, the Montana Environmental Policy Act (MEPA) and its implementing regulations require MDT to examine the direct impacts, secondary and cumulative impacts of a proposal; and

**WHEREAS**, the EA fails to weigh the cumulative impacts of oversize loads in a permanent high/wide corridor on infrastructure designed for standard-weight vehicles; and

**WHEREAS**, the EA fails to adequately weigh the incremental losses to Montanans and Missoulians from additional traffic delay, increased risks of accidents and interference with tourism and outfitting activities; and

**WHEREAS**, the EA does not address whether the proposed project intends to direct project employment and contracting toward Montana citizens and businesses; and

**WHEREAS**, the EA fails to analyze whether potential detrimental effects on water quality in Lolo Creek and the Blackfoot River will result from the amended MDT sanding and snow removal procedures necessary during the project; and

**WHEREAS**, the EA fails to analyze the economic and environmental impacts to Montana of the Alberta tar sands strip mining promoted by the state's proposed action; and

~~**WHEREAS**, the Alberta tar sands strip mining activity results in unprecedented deforestation, water pollution and environmental toxicity while also emitting enormous quantities of compounds linked to human-caused climate change; and~~

~~**WHEREAS**, the EA fails to address the proposed project's potential contribution to human-caused climate change impacts on the State of Montana; and~~

~~**WHEREAS**, accelerating the pace of human-caused climate change will erode the economic well-being of Montanans and Missoulians and will undermine the Montana Constitution's guarantee of a clean and healthful environment; and~~

**WHEREAS**, while the proposed high/wide corridor crosses three state and two international boundaries, the scope of the EA is limited to only one segment of the corridor, preventing consideration of the ~~environmental~~ impacts of the project as a whole; and

**WHEREAS**, due to the improperly limited scope of the EA, MDT cannot possibly determine the impacts of the proposed action on the human environment, including but not limited to water resources, fish and wildlife, the transportation system, and the local economies and communities along the proposed route; and

**WHEREAS**, imposing effective mitigation requirements on the proposed project's permits is not possible without first adequately determining the impacts of the proposed action; and

**WHEREAS**, the transportation project involves and impacts other federal, state and local agencies as evidenced by the list of consultations provided in the EA and the breadth of impacts identified by the public; and

**WHEREAS**, MDT is required to cooperate and coordinate with other state and federal agencies to prepare appropriate environmental analysis and to comply with the National Environmental Policy Act (NEPA) as well as MEPA where there is federal action; and

**WHEREAS**, based on an inadequate scope, unevaluated or under-evaluated impacts and failure to coordinate with affected agencies, the EA erroneously concludes that no significant adverse impacts will result from this project;

**NOW, THEREFORE BE IT RESOLVED**, the Missoula City Council hereby declares that complying with the spirit and letter of MEPA and NEPA will require environmental review taking the form of a programmatic joint EIS under MEPA and NEPA and urges MDT to begin such a process in cooperation with affected or involved federal agencies, fully involving the public and exhaustively evaluating the impacts of creating a permanent high/wide commercial transportation corridor from the Port of Vancouver to the Alberta tar sands.

PASSED AND ADOPTED this 10th day of May, 2010.

ATTEST:

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Martha L. Rehbein  
City Clerk

APPROVED:

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John Engen  
Mayor