

Megaloads and Mobilization

The rural people of Idaho stand against Big Oil

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ABSTRACT From 2011 to 2014 fossil fuel corporations trucked tar sands processing machinery along rural Idaho highways. The machinery was bound for the world's largest deposits of tar or oil sands, a heavy crude oil substance called bitumen, located in the western Canadian province of Alberta. These loads of machinery, what became known as megaloads, encountered much resistance. Throughout Idaho and the surrounding region, a network organized opposition. Neighbors, grassroots organizations, nonprofits, and the Nez Perce and other tribes all collaborated. They held information sessions, protested, waged legal battles, monitored the loads, and blockaded highways. What oil companies hoped would be a cost-effective solution for transporting their megaloads became a David versus Goliath, Coyote versus the Monster—to reference the Nez Perce creation story—struggle to protect rural and indigenous ways of life and sovereignty, and the planet.

LEARNING OUTCOMES

Readers of this case will become familiar with (1) the scope and interconnectedness of fossil fuel extraction, environmental and climate change, and social responses to these, (2) the concept of “sacrifice zones,” (3) contemporary indigenous activism and solidarity, and (4) how diverse tactics and collaboration can effectively challenge corporate power.

CLASSROOM TESTED: NO

INTRODUCTION

In early 2010, Idaho environmentalists and residents caught wind of a proposal that alarmed many. ExxonMobil, one of many powerful fossil fuel corporations that I refer to as Big Oil, planned to take over 200 megaloads along rural Idaho highways from the Port of Lewiston, Idaho, to tar sands mining operations in Alberta, Canada. Tar sands mining operations have felled vast swaths of Alberta forests, use great quantities of energy in the extraction process, and produce three to five cubic meters of wastewater for every cubic meter of extracted tar sands [1]. This wastewater is stored in tailings ponds so large they can be seen from

outer space [2]. James Hansen, former director for NASA's Goddard Institute for Space Studies, has said that extracting and burning the Alberta tar sands would be “game over for the climate” [3].

To expand its tar sands extraction projects, Exxon needed a way to get these megaloads, manufactured in South Korea, to the Kearl Oil Sands Project in Alberta. Traveling through the Canadian Rocky Mountains posed challenges, as many of the routes have tunnels and narrow rock-faced roadways. Thus, Exxon identified Highway 12, a winding scenic byway in Idaho's wilderness, as the best route and “a game changer for Alberta's oil sands developers” [4]. The megaloads (composed of mining equipment and trailers, each with 96 wheels) were shipped into the Port of Lewiston, Idaho, the furthest inland port from the Pacific Ocean. The megaload size ranged from 24 feet tall by 24 feet wide by 120 feet long to 255 feet long and 644,000 pounds; a typical logging truck weighs 80,000 pounds [5]. The average width of Highway 12 is 21 to 24 feet, with little or no shoulder in many places.

Highway 12 is federally designated as the Northwest Passage Scenic Byway. The same route Lewis and Clark took on their trek to the Pacific Ocean, the road travels through

the Nez Perce Reservation and along the Clearwater and Lochsa Rivers, both designated wild and scenic rivers by Congress in 1968. With little traffic and no overpasses, the route attracted Exxon and other oil companies, who negotiated in 2009 with Idaho's Governor and Congressmen to secure approval to transport their loads.

Oil companies did not anticipate the opposition marshaled by rural residents. From 2010 to 2013, delays cost Imperial Oil (a Canadian subsidiary of Exxon), contributing to the company being behind schedule by six months and over budget by \$2 billion [6]. Some of the first street protests occurred in Montana in 2011, followed by conservation groups and the Missoula County Commissioners winning a Montana District Court battle that prevented megaloads from traveling on the Montana portion of Highway 12. Being unable to use the Montana portion of Highway 12 prompted Imperial Oil to use a temporary, alternate route, U.S. Highway 95, where it met intense protests in multiple towns, most persistently in Moscow, Idaho. To use this route, which included overpasses, streetlights, and electrical wires, it cut the modules' height in half—something it had previously said was impossible. Cutting the modules in half cost Imperial Oil about \$500,000 for each module.

In 2013, a federal judge ruled that the U.S. Forest Service has the authority to regulate megaloads on Highway 12, and imposed a temporary injunction against future transportation of megaloads by Omega Morgan, the company targeted in the case. The injunction, effective until the Forest Service completed a corridor study and consultation with the Nez Perce Tribe, required the Forest Service to issue a highway closure order for a portion of the highway if the State of Idaho issued another permit for an Omega Morgan-hauled megaload. Barred from using Highway 12, Omega Morgan tried other lengthier routes through southern and northern Idaho. The expense of these routes, however, eventually made clear the impracticality of their use. In 2017, a legal settlement permanently barred megaloads of a certain size on Highway 12.

What accounted for this reversal in Big Oil's capacity to carry out its plans? This case examines the work of the everyday people who, together, mobilized enough power to challenge ExxonMobil and other companies and win. It draws on 27 in-depth interviews with tribal and non-tribal individuals who opposed the megaloads in towns in central and northern Idaho, and ethnographic fieldwork. The interviews and fieldwork were conducted in 2015, two years after the most intense period of megaload protest. The case

argues that the distributed, diverse, and persistent nature of megaload opponents' actions was key to their success.

CASE EXAMINATION

Diverse concerns

The diversity of concerns that the megaloads inspired underlies the diversity of tactics that activists used. People opposed the megaloads for their assault on a rural way of life that many residents cherish about Idaho, or move there to seek out. Residents feared that Idaho highways would become industrial corridors—all for the benefit of oil companies. They saw no benefits for locals; in fact, they saw many costs. Idaho taxpayers would be left to pay for road repairs on the heels of truly megaloads—loads much larger than roads were built to handle. Residents also feared costs to local economies. The Lochsa and Clearwater river corridor is the Nez Perce Tribe's homeland and a recreational paradise for many residents and tourists. Local businesses depend on the area's appeal to tourists. People wondered what would happen if a load fell into the river. How would it be removed? How would it affect the migration of Threatened and Endangered fish? A megaload accident could completely change the character of the place. As Gary Macfarlane, Ecosystem Defense Director of Friends of the Clearwater, explained, "those things are bright and big and huge, and they make a lot of noise." How would a camper like to be woken up in the middle of the night by a megaload? Safety was another concern, as the megaloads blocked both lanes of traffic on a highway that was the only road for people living in the area. What if someone had to go to the hospital?

Another core concern was climate justice—the recognition that climate change is a social justice issue. Interviewees viewed the loads as "weapons of mass destruction" (Ellen R., Wild Idaho Rising Tide (WIRT) member) that directly contributed to the oppression of indigenous peoples, the environment, and the climate. Jeannie McHale, a member of WIRT, explained that letting the megaloads go through Moscow, Idaho, without putting up a fight would make her an accomplice to these injustices. Paulette Smith, a member of the Nez Perce Tribe and Nimiipuu Protecting the Environment (NPE), who was arrested on August 6, 2013, while blockading the megaloads, felt compelled to stand up for her people and in solidarity with her sister in Alberta, who had suffered personal trauma because of tar sands development. Some interviewees had travelled to the tar sands region for annual, indigenous-led Healing Walks

witnessing the destruction. Interviewee and WIRT member Sharon Cousins compared tar sands extraction sites to Mordor, a wasteland and seat of evil in *Lord of the Rings*. Scholars refer to places like the tar sands region as “sacrifice zones,” where the wellbeing of human and more-than-human communities, who are thought to be disposable and powerless, is sacrificed to benefit privileged communities. In the case of the tar sands region, First Nations’ homelands have been desecrated, and cancer rates have risen, all to provide energy to the global market [7, 8].

Lucinda Simpson, also a member of the Nez Perce Tribe and NPE, explained her motivation for resisting megaloads in terms of trying “to stick up for what we need: we are losing a lot of our roots and our fish and the eel.” Many of the Tribe’s traditional foods, and the cultural practices tied to these, are dwindling because of climate change. Like other indigenous communities around the world, the Nez Perce have little responsibility for climate change, yet because of their connection to the land, are some of the first to face its consequences. In addition, even though Nez Perce treaty rights predate the State of Idaho, neither the oil companies nor the state sought approval from the Tribe to transport megaloads through its reservation. Thus, the megaloads were also an issue of indigenous sovereignty.

Many interviewees were deeply concerned about, and motivated by, climate change: “We became potential gatekeepers for practices with apocalyptic consequences” (Jeannie McHale, interview). Ellen R.’s protest sign displayed a skull and crossbones image that said “Stop Exxon Genocide.” Meryl Kastin’s young daughter couldn’t understand why people would support the megaloads or tar sands mining, “if we know it isn’t a healthy thing” (Meryl Kastin, interview). Trying to give her daughter hope fueled Meryl’s involvement with the megaload resistance on Highway 12. She explained, “I really wanted her to see that people could actually make a difference, that we could—we could show up somewhere and make our presence known, and that we could write letters, we could call people, that we could make a difference in the world.”

With these diverse motivations, megaload challengers employed diverse tactics and strategies to stop the megaloads. They identified this diversity as the key to their success. In the words of Education and Outreach Director for Friends of the Clearwater, Brett Haverstick, “It takes a community to stop a bad project. It takes a tremendous team to make a difference [and ...] you need to use all the

tools in the toolbox to bring forth change.” The “tools” that activists used fell into three categories: legal, general activism, and protest and blockade.

Legal tools for change

Many of Idaho’s environmental organizations became aware of the megaloads in April 2010. Knowing that “Idaho state court is not renowned for being a friendly place for environmentalists,” everyone wanted “a federal hook” for a legal challenge (Natalie Havlina, interview). Natalie Havlina, an attorney for Advocates for the West who worked on legal challenges to the megaloads, researched the situation from April to August 2010, and, with three residents of the Clearwater Lochsa corridor as clients, she and Laird Lucas, also of Advocates for the West, requested a temporary restraining order in state court, which was granted [9]. In the next year, individuals and the groups Idaho Rivers United, Advocates for the West, and Friends of the Clearwater all participated in various legal actions [see 10 and group websites in Additional Reading Suggestions section for more details]. In 2011, in federal court, Advocates for the West, on behalf of Idaho Rivers United, challenged the U.S. Forest Service’s refusal to take action on the megaloads [11], and on February 7, 2013, Federal Judge Winmill ruled that the agency does indeed have jurisdiction and a responsibility to protect the values of the wild and scenic river corridor [12]. Before describing the conclusion of the legal challenge, I describe activities that took place in the interim.

General activism as a tool for change

The “general activism piece” (Natalie Havlina, interview) of the megaload fight included people going to public meetings, monitoring the loads, and writing letters to the editor of local newspapers. Borg Hendrickson and Lin Laughy, residents along Highway 12, were the focal points of this effort and key players in the legal battle. They formed the network Fighting Goliath: The Rural People of Highway 12, and organized their neighbors. As Borg explained, they worked to be creative and to marshal the truth in their favor. In the early days of the megaloads, they turned out over 110 people to a meeting by the Idaho Transportation Department in Kooskia, Idaho, a town with a population of 650 people. Upon hearing that the oil companies were going to have information boards at the meeting, Borg and Lin prepared their own information boards to counter the inaccuracies presented by the oil companies. They brought their own microphone and speaker and turned a

one-way information session into a public exchange. Borg developed a large media and contact list to which she sent annotated updates on a regular basis. Communications networks sprung up around the state; a volunteer in Moscow developed a Facebook page to share information.

Along with Fighting Goliath, the grassroots group Wild Idaho Rising Tide (WIRT) and the small nonprofit Friends of the Clearwater (FOC) organized megaload monitoring throughout the region. Members of the groups Great Old Broads for Wilderness, Northern Rockies Earth First!, and Palouse Environmental Sustainability Coalition also took part, following megaloads along wintery roads in the dead of night, to keep track of how often they stopped traffic and violated regulations. On one evening, monitors quickly spread the word when a megaload took out a power line, cutting electricity to 1,300 homes and businesses.

These groups also held information sessions, hosted film screenings about tar sands extraction impacts, organized community members to attend the annual Tar Sands Healing Walks in Alberta, and did public outreach. Helen Yost, the core organizer of WIRT, inspired many to join the struggle by spreading information during weekly farmers markets and radio shows, via social media, and through canvassing and gathering petition signatures.

Protest and blockade as a tool for change

Getting out in the streets was another core component of the struggle. To confront megaloads as they came through towns, WIRT instigated demonstrations and monitoring throughout Idaho and Washington and collaborated with FOC to host protests in Lewiston and Moscow, Idaho. In Moscow, where most of these demonstrations occurred, protesters met megaloads in the downtown area, night after night and during winter, holding signs and sometimes sitting down in the road and risking arrest. From 2011 to 2012, sustained protests met approximately 70 loads that traveled through Moscow on 30 occasions. People were arrested or cited 13 times during five protesting and monitoring events. The loads often came through town between 11:00 p.m. and 2:00 a.m.

Protesters and tactics in Moscow were diverse. Grandmothers composed a group of the protesters. The local Moscow Volunteer Peace Band played on occasion. One evening, women engaged in street theatre. Dressed in formal gowns, they planned to enter and stall in a crosswalk, when the megaload came uphill, blocking its path. Despite their location outside the typical protest zone, the police seemed

to know of their plan and arrived while the protesters were waiting for the megaload, preventing them from crossing the road. Moscow's mayor at the time, Nancy Chaney, was supportive of the resistance, writing letters to agencies and observing the protests, to ensure appropriate interaction between police and protesters. She gave a Mayor's 2012 Earth Day Award to the megaload protesters.

In August 2013, direct action on the issue culminated in Idaho with a blockade of Highway 12 by the Nez Perce Tribe. Despite the February 2013 ruling [12] that the Forest Service has the jurisdiction to regulate megaloads on Highways 12, and a Nez Perce resolution of megaload opposition, the Idaho Transportation Department issued megaload permits to the transport company Omega Morgan. On August 5, approximately 150 Nez Perce met the first Omega Morgan megaload with a blockade on Highway 12 at their reservation boundary. Much of the organizing for the event took place on Facebook. Efforts of tribal members like Julian Matthews, who started the group Nimiipuu Protecting the Environment, helped convince the Nez Perce Tribal Executive Committee (NPTEC) to take a stance on the megaloads. On that night, after much singing, drumming, and confrontation, eight members of the NPTEC were arrested and escorted away by tribal police, in what interviewees saw as a symbolic arrest.

Blockades continued for the next three nights, with 28 Nez Perce arrested in total. In contrast to the first night, these arrests were, in the words of protest participant Paulette Smith, "protest real" (interview). On these nights, the Idaho State Police forcibly arrested Nez Perce protesters in what Lin Laughy and Borg Hendrickson described as "an ugly affair." Tribal member Paulette Smith was dragged under a megaload and her daughter punched in the face by an Idaho State Police officer. Reflecting two years later on the injustice of the event still brought emotion to Paulette's voice. She explained:

Our leaders got to have their hands in front of them [when handcuffed], they were walked off into this little cart thing, and, ... from what I was told, they were let out on \$50 bond, they really weren't arrested and stamped in. The second night, no, that's different, I have every tattoo on my body catalogued with Idaho State Police and Nez Perce County, I was fingerprinted, I was treated like a criminal, I was manhandled (interview).

Non-natives attended the protests to stand in solidarity, but were the first to be moved to the sidelines by police.

Nonetheless, this support helped grow a foundation of collaboration between Nez Perce and non-native environmental activists in the area, who continue to work together.

OUTCOMES

On August 8, 2013, Advocates for the West, representing Idaho Rivers United, partnered with the Nez Perce Tribe to file a suit [13] against the U.S. Forest Service for failing to uphold the requirements of the February 2013 ruling. One month later, on September 12, 2013, Federal Judge Winmill issued the injunction, mentioned in the introduction, that closed Highway 12 to megaloads [14, 15]. Over the next year, a dozen megaloads tried to take five alternate routes through Idaho, Montana, and Oregon. They met more grassroots and indigenous resistance from dozens of groups, including the Coeur d'Alene, Shoshone-Bannock, Umatilla, and Warm Springs Tribes and Indian Peoples Action in Montana. Approximately 50 direct encounters occurred, resulting in 26 arrests and citations. In summary, what oil companies hoped would be an easy and profitable plan became just the opposite. Idahoans and the Nez Perce would not allow their ancestral lands, wild places, and towns to become sacrifice zones or to support the sacrifice zone of Alberta tar sands exploitation.

Since 2013, Nimiipuu Protecting the Environment and various conservation and climate groups have continued to collaborate, building on the bonds and trust forged during the megaload fight. One of their central campaigns has been to remove four dams on the lower Snake River, to improve habitat for salmon that play an important role in Nez Perce culture and nutrition. The Nez Perce Tribe also persists in its resistance to Big Oil, having issued a statement [16] in support of the Standing Rock Sioux's opposition to the Dakota Access Pipeline, a struggle with an uncertain outcome at the time of this writing. With assistance from University of Idaho Professor Leontina Hormel, the Nez Perce led a study of the importance of the wild and scenic river corridor, as part of the Forest Service's court-ordered mediation with the Tribe. In January 2017, the Nez Perce Tribe, Idaho Rivers United, and legal group Advocates for the West reached an agreement with the U.S. Forest Service that prohibited megaload shipments over certain dimensions on Highway 12 [17].

CONCLUSION

The diverse combination of tactics employed by megaload protestors contributed to the success of their efforts by elevating awareness of the threats posed by megaloads and

utilizing different organizational and individual strengths. In this way, megaload opponents succeeded in holding the U.S. Forest Service accountable to the interests of the Nez Perce, Idaho residents, and all people working for climate justice.

CASE STUDY QUESTIONS

1. Do you agree that activists should utilize “all the tools in the toolbox”? Or do you think some tactics are more important than others, or could stand alone? Explain your answer. If you think all tools are needed, explain how they support each other.
2. Which of the opponents' motivations resonates the most with you? Which motivation do you think would be most salient in your community? In other words, what message would you use to convince people to oppose megaloads or similar fossil fuel infrastructure?
3. What are other examples of sacrifice zones, and how do they compare to the megaload case? How does race, class, gender, and location inform where sacrifice zones are and how different people experience them?
4. What similarities and differences do you see between this case and other contemporary struggles over fossil fuel extraction and transportation (e.g. Keystone XL Pipeline, Dakota Access Pipeline)? What lessons from this case might be useful to other struggles?

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COMPETING INTERESTS

The author has declared that no competing interests exist.

SUPPORTING INFORMATION

Megaloads and Mobilization Slides

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ADDITIONAL READING SUGGESTIONS

Legal documents related to the megaloads (links are in chronological order):

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On the megaloads:

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Advocates for the West: <https://advocateswest.org/case/highway-12-mega-loads/>. A nonprofit law firm focused on environmental law, Advocates for the West was hired by plaintiffs to serve as their legal representation in the legal battle.

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Fighting Goliath: This group's wonderful website was removed by group members in January 2017. They were a network of individuals and organizations working against the megaloads.

Palouse Environmental Sustainability Coalition: <http://sustainablepalouse.org/>. A coalition that prioritizes education, civic engagement, and community building to mitigate climate change and threats to the environment. Based in Moscow, Idaho.

Great Old Broads for Wilderness, Palouse Broadband: <http://www.greatoldbroads.org/directory-of-broadbands/idaho-palouse/>. A Moscow, Idaho based chapter of the national grassroots organization that works to protect wilderness and wild lands.

Northern Rockies Earth First! <https://nref.wordpress.com/>. A chapter of the larger direct-action grassroots group Earth First!