

BEFORE THE IDAHO TRANSPORTATION DEPARTMENT

LINWOOD LAUGHY, et al,)
)
Intervenors,)
)
vs.)
)
CONOCOPHILLIPS AND EMMERT) **FINAL ORDER**
INTERNATIONAL,)
)
Applicants,)
)
And)
)
IDAHO TRANSPORTATION)
DEPARTMENT,)
)
Respondent.)
_____)

This matter involves the issuance of an overlegal permit to Conoco/Phillips through its contractor Emmert International to move four large pieces of oil-refining equipment from the Port of Lewiston to the Montana state line. A formal contested case hearing regarding the permit was requested by Intervenors Linwood Laughy, Karen Hendrickson, Peter Grubb, John Crock, Owen Fiore, Mary Ann Fiore, Janice Inghram, Roger Inghram, Julian Matthews, Ruth May, Jim May, Gail Ryan, and Richard Ryan, and held on December 8-9, 2010 between Applicants ConocoPhillips/Emmert International, the Respondent Idaho Transportation Department, and the Intervenors.

Hearing Officer, Merlyn W. Clark., Esq. was appointed by the Idaho Transportation Department pursuant to the provisions of Idaho Code §67-5240 et seq. and IDAPA 04.11.01 et. seq. to preside over this matter. At the conclusion of the hearing, and following lengthy briefing by all parties, the Hearing Officer entered Findings of Fact, Conclusions of Law and Recommended Order to the Director, pursuant to Idaho Code §67-5243. On January 10, 2011, the Intervenors filed

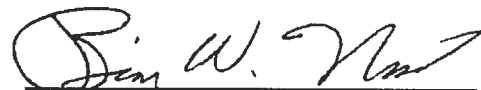
Exceptions to the Director Re: Hearing Officer Clark's Findings of Fact, Conclusions of Law, and Recommended Order on Conoco Coke Drum Overlegal Permits. On January 12, 2011, Applicants ConocoPhillips/Emmert International filed their responsive briefing, and on January 13, 2011, Respondent Idaho Transportation Department filed its responsive briefing.

I have reviewed the record of the proceedings before the Hearing Officer, and the briefing provided by all parties on the Exceptions to Hearing Officer Clark's Findings of Fact, Conclusions of Law and Recommended Order.

In my review of the record and briefing, I find that substantial evidence exists to support the Findings of Fact and Conclusions of Law made by the Hearing Officer in the Recommended Order. I do not find the Findings of Fact or Conclusions of Law to be clearly erroneous or unsupported by the record in any respect. Accordingly, I hereby adopt the Findings of Fact and Conclusions of Law of the Hearing Officer contained in the Recommended Order as my own, and incorporate said Findings of Fact and Conclusions of Law by reference into this Final Order.

This Order is a final order and is the final administrative action of the Idaho Transportation Department, pursuant to Idaho Code §67-5246 on this matter, and shall be effective January 24, 2011. Any party to this proceeding has the right to judicial review in the District Court, pursuant to Idaho Code §67-5270.

Dated this 18th day of January, 2011.


BRIAN W. NESS
Director

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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