Case No. 18-72684

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IDAHO CONSERVATION LEAGUE,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY, and
ANDREW WHEELER, Acting Director of the U.S. EPA,

Respondents.

Petition for Review
Under the Clean Water Act

DECLARATION OF JONATHAN D. OPPENHEIMER

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I, JONATHAN D. OPPENHEIMER, state and declare as follows:

1. My name is Jonathan D. Oppenheimer. I live in Boise, Idaho, and am over 18 years of age. The following facts are based on my personal knowledge, and if called as a witness I would and could truthfully testify thereto.

2. I am employed by the Idaho Conservation League (ICL) as its Director of External Relations in ICL's Boise office. I have worked at ICL for more than 17 years. I am also a member of ICL and have been a member since 2002.

3. Founded in 1973, ICL is an Idaho non-profit corporation, recognized by the Internal Revenue Service as a Section 501(c)(3) public charity. ICL has offices in Ketchum and Sandpoint, Idaho, in addition to its Boise headquarters.

4. ICL is Idaho's largest state-based conservation organization with around 30,000 supporters today. ICL's mission is to protect Idaho's environment through public education, citizen empowerment, and professional advocacy. Protecting and improving water quality throughout Idaho is central to ICL's mission and important to ICL's members.

5. One of the main ways ICL works to protect and improve water quality is through the Clean Water Act (CWA) and its National Pollution Discharge Elimination System (NPDES) permit program. From enactment of the modern CWA in 1972 and until recently, the NPDES program was administered in Idaho

by the U.S. Environmental Protection Agency (EPA). EPA's recent delegation of NPDES permitting authority to the Idaho Department of Environmental Quality (IDEQ) is the subject of this action.

6. For at least the last two decades, ICL staff, including myself, have regularly investigated CWA violations throughout Idaho. When necessary to bring about compliance, ICL initiates citizen suit enforcement actions against violators who discharge pollutants without NPDES permits or without complying with their permits. For years, ICL staff have also strived to comment on every NPDES permit proposed to be issued by EPA to pollution dischargers in Idaho, to ensure the CWA's requirements and goals are being met.

7. ICL staff, including myself, frequently engage in advocacy before the EPA, IDEQ, other agencies, legislative bodies, and other governmental entities to strengthen CWA and NPDES regulations, policies, implementation, and enforcement in Idaho. This includes ICL's comments submitted to EPA during EPA's review of the proposed delegation of NPDES permitting authority to Idaho—called the Idaho Pollutant Discharge Elimination System (IPDES)—and, prior to that, ICL's significant participation throughout DEQ's rulemaking process adopting IPDES.

8. As one example of ICL's significant engagement in CWA NPDES permitting and enforcement, for years I have devoted staff time at ICL to leading

our ongoing efforts to protect Idaho's rivers and fisheries from suction dredge mining. Suction dredge mining involves using an underwater nozzle to suck up riverbed materials, sort out gold on a floating watercraft, and discharge sediment and other pollutants to the river.

9. Much of ICL's work to protect Idaho rivers and streams from suction dredge mining has centered around CWA NPDES permitting. For example, I worked extensively for years to ensure that an NPDES permit is required to lawfully discharge suction dredge in Idaho. I also advocated for EPA to implement permitting systems for dredge miners to ensure CWA compliance. Ultimately, this resulted in the creation of a "general" NPDES permit for suction dredge mining in Idaho in 2013 to facilitate the permitting process for qualifying dredge mining operations on specified rivers and streams. Since then, I have spent time tracking and investigating suction dredge miners operating without NPDES permits and pursuing citizen suit enforcement actions against bad actors. Other ICL staff have also spent time on these efforts, and ICL has incurred additional expenses by hiring investigators to identify and document CWA violations by suction dredge miners.

10. Over the last few years, ICL has sent CWA notices of intent to sue to more than 20 suction dredge miners for discharging without an NPDES permit. ICL is currently the plaintiff in a CWA citizen suit enforcement action against a

suction dredge miner for operating a dredge and discharging pollutants in Idaho without an NPDES permit.

11. ICL's CWA enforcement against suction dredge miners has focused significant effort on dredging in the Clearwater River and its tributaries, because of the intensity of unpermitted dredging in that location, and because of the relative importance of the habitat in the watershed. The Clearwater, and particularly its South Fork, is important to ICL's mission, important to many ICL members who I know, and important to me personally. The South Fork Clearwater River is also popular for suction dredge mining, including for many miners who fail to, or are unwilling to, obtain and comply with NPDES permits.

12. The South Fork Clearwater River retains its free-flowing nature and has been deemed by the U.S. Forest Service to be eligible for listing under the Wild and Scenic Rivers Act. The South Fork Clearwater River provides important habitat for steelhead trout and bull trout, which are listed as "threatened" under the federal Endangered Species Act. It also provides important habitat for Chinook salmon, Pacific lamprey, gastropods (e.g., freshwater mussels), and other sensitive species.

13. Every summer I spend as much time in the Clearwater River watershed as my busy schedule allows. Most years, I make at least one personal trip to the area. For example, I've gone on weeklong trips to backpack and fish in

the North Fork Clearwater River in 2009, Cayuse Creek in 2010, Meadow Creek and the Selway River in 2011, Trilby and Rattlesnake Lakes also in 2011, Kelly Creek in 2017, and Wind Lakes and Big Sand Lakes in the Selway-Bitterroot Wilderness in 2018. On other occasions I have camped and fished the Lochsa River and Selway River. I have also hiked and camped in and around Elk City and the South Fork Clearwater River corridor on multiple occasions in 2003, 2010, and 2018.

14. The South Fork Clearwater River is formed where the American River and Red River converge, and I have spent time along each of these rivers on numerous occasions since moving to Idaho in 2002. I have hiked up and fished along Johns Creek, a key steelhead spawning tributary to the South Fork Clearwater River. I have spent time in the Crooked River drainage which is another key tributary in the headwaters of the South Fork Clearwater River. On at least two occasions, I have stayed at the Walker Cabin, a historic Forest Service ranger cabin situated on the banks of the Crooked River. Most recently, in summer 2018, I camped near the small mountain hamlet of Orogrande, following field trips in the South Fork Clearwater River basin. I also spent a night along the headwaters of the American River at the Limber Luke Campground.

15. Because of my appreciation for the unique natural value of the South Fork Clearwater River watershed, I intend to continue making regular personal

visits to the region, as I have in the past, to backpack, fish, identify unique plants, gather mushrooms, camp, and enjoy the area's rich historic and cultural resources. For example, in September 2019, I have plans to visit the upper Selway River to enjoy backcountry fishing and to explore an area that I have never visited. I would also like to go steelhead fishing on the South Fork Clearwater River, and I plan to do so in 2019 or 2020 if steelhead returns are strong enough.

16. EPA's approval of the IPDES program harms my personal interests, impedes ICL's mission for clean water, and diverts ICL's resources.

17. The CWA allows for civil and criminal enforcement against anyone who discharges pollution without an NPDES permit or without complying with the terms of their permit. Government enforcement actions are an important tool allowing EPA or the State to take corrective action for CWA violations. Enforcement actions, and the threat of enforcement, also have a deterrent effect, which helps promote careful compliance with the CWA.

18. Under the IPDES program approved by EPA, the IDEQ's ability to bring enforcement actions is significantly curtailed and fails to meet the CWA's requirements. First, the IPDES program requires criminal negligence for misdemeanor enforcement actions, whereas the CWA provides for misdemeanors to be proved by simple negligence. Second, the IPDES imposes a two-year statute of limitations for civil enforcement actions, whereas the CWA sets a longer five-

year statute of limitations. As a result, the State is unable to pursue civil and criminal enforcement to the full extent the CWA calls for, and the IPDES program has less of a deterrent effect.

19. Because of these inadequacies of the IPDES program, I am concerned that even more suction dredge mining without NPDES permits is likely to occur in the South Fork Clearwater River and other Idaho rivers that ICL members and I enjoy and work hard to protect. This will harm me by degrading my experiences. I have witnessed unpermitted suction dredge mining and been disturbed by the sediment plumes discharged by miners, which degrade water quality, interfere with fish and other aquatic life, and diminish the aesthetic beauty of the South Fork Clearwater River, its tributaries, and other rivers in Idaho that I enjoy. If unpermitted dredging on the South Fork Clearwater River and other rivers remains rampant or increases, I will avoid visiting the South Fork Clearwater River and other areas I would like to visit, or will avoid engaging in activities I would like to engage in—like fishing—when I visit.

20. ICL will also be directly harmed by the IPDES program due to the State's inability to pursue civil and criminal enforcement actions against suction dredge miners to the extent required under the CWA. ICL has spent substantial resources over the years towards fulfilling its mission to protect and restore clean water by investigating and seeking to prevent suction dredge mining performed

without NPDES permits. In recent years, many more miners have obtained NPDES permits before dredging on the South Fork Clearwater River and other Idaho rivers than they used to, but dredging without a NPDES permit is still a widespread problem. It will be a significant burden for ICL to devote even more resources to unpermitted suction dredge mining and will divert resources from ICL's other organizational priorities if the IPDES program moves forward as approved by EPA.

21. ICL's interests, and my personal interests, in clean water that are harmed by EPA's approval of the IPDES program are not limited to the South Fork Clearwater River or to suction dredge mining. Another example of ICL's significant interest in NPDES permitting and clean water, and my personal interests in the same, is ICL's Snake River Campaign.

22. I am leading ICL's Snake River Campaign, which has the goal of making the Snake River swimmable and fishable again. This Campaign is critical to ICL's mission, as the Snake River is Idaho's largest river and faces serious pollution problems. In eastern Idaho, the Snake River is a blue-ribbon trout stream, a world-famous fishing destination, and a refuge for people and wildlife. Downstream, as the Snake River flows west across southern Idaho, it becomes highly polluted. By the time the Snake River reaches western Idaho, it is so

polluted the State of Idaho warns people not to eat fish caught from its waters, not to touch the water, and not to let their dogs swim in the River.

23. Attached to this declaration as Exhibit A is a true and correct copy of an August 11, 2014 article in *High Country News* by Richard Manning titled, "Idaho's sewer system is the Snake River."[1] The article explores the severe water quality problems on the Snake River that ICL aims to address through its Snake River Campaign.

24. To carry out the Snake River Campaign, ICL is working to increase water flows and decrease water pollution in the Snake River. Point sources of pollution subject to CWA NPDES permitting contribute to the Snake River's water quality problems. Point sources polluting the Snake River include industrial facilities (particularly food-processing plants and mines), municipal wastewater treatment plants, and agricultural facilities such as fish farms and confined animal feeding operations (CAFOs), like dairies and cattle feedlots.

25. ICL is working to ensure point sources on the Snake River and its tributaries obtain and comply with NPDES permits and to ensure NPDES permits are stringent enough to fulfill the mandates and goals of the CWA, like achieving compliance with water quality standards. ICL regularly comments on proposed

[1] Available at https://www.hcn.org/issues/46.13/idahos-sewer-system-is-the-snake-river (visited Jun. 25, 2019).

NPDES permits and advocates to EPA and DEQ for more stringent NPDES permits and permitting guidelines in the Snake River watershed. ICL also investigates compliance with CWA permitting requirements throughout the Snake River watershed, working to inform regulatory agencies of violators and pursuing its own citizen suit enforcement actions when needed. ICL has invested substantial funds and organizational resources to these ends.

26. For example, ICL has devoted substantial staff time over the last several years investigating under-performing municipal wastewater treatment plants throughout the Snake River watershed and advocating for theses plants to comply with their NPDES permits. ICL has initiated the CWA citizen suit enforcement process by sending 60-day notices of intent to sue to at least six municipal wastewater treatment plants that discharge pollutants to the Snake River or its tributaries in violation of their permits, and is actively working to resolve these matters with the hope of ensuring these plants meet the pollution limits in their NPDES permits.

27. ICL has also devoted substantial staff time and other organizational resources to ensuring mining operations that discharge pollutants in the Snake River watershed obtain and comply with NPDES permits. As one example, ICL remains engaged in longstanding CWA citizen suit litigation against a mining company that discharges pollutants in the headwaters of the Boise River, which is

a major tributary to the Snake River. As another example, last year ICL settled a CWA citizen suit enforcement action against the State of Idaho for discharging pollutants from a mine site to the Big Wood River, another tributary to the Snake River.

28. ICL has also devoted substantial staff time and other resources to advocating for a robust NPDES permitting program for CAFOs and investigating CWA compliance at CAFOs. Over the last 20 to 30 years, the number of CAFOs in Idaho—particularly along the Snake River plain in southern Idaho—has increased dramatically. ICL advocated for EPA's creation of a CAFO general NPDES permit in Idaho, which EPA first issued in 2012. Since 2012, ICL has monitored and investigated unpermitted CAFOs that may discharge pollutants to the Snake River and its tributaries but do not have NPDES permits.

29. CAFOs are major sources of pollution in Idaho, primarily due to the massive quantities of manure they generate and the fact that they are severely under-regulated.

30. Attached as Exhibit B is a true and correct copy of an EPA's December 31, 1998 report titled "Environmental Impacts of Animal Feeding Operations."[2] The report provides details on how animal feeding operations,

[2] Available at https://milk.procon.org/sourcefiles/Impacts_Animal_Feeding_Operations.pdf (visited Jun. 25, 2019).

including CAFOs, cause water pollution and confirms that such operations are a significant environmental concern across the U.S. because of their impacts to water quality.

31. Attached as Exhibit C is a true and correct copy of a January 2003 GAO study titled "Increased EPA Oversight Will Improve Environmental Program for Concentrated Animal Feeding Operations."[3] The report was prepared as part of EPA's development of new CWA regulations for CAFOs. GAO found that until the mid 1990s, EPA paid little attention to CAFOs, and regulatory loopholes allowed many CAFOs to avoid regulation. As a result, the report found many operations EPA believes to be polluting the nation's waters remain unregulated. The report concluded EPA will need to increase its oversight of state programs to ensure new CWA requirements are adopted and implemented for CAFOs.

32. Attached as Exhibit D is a true and correct copy of a September 1, 2010 article by Scott Weaver in the *Boise Weekly* titled "Cow Country: The Rise of the CAFO in Idaho."[4] The article explains how, beginning in the 1980s as the regulation of dairies increased in California, dairies moved to Idaho where regulations are lax. The article describes the corresponding decline in water quality across the Snake River plain as CAFOs proliferated. The article also explains the

[3] Available at https://www.gao.gov/new.items/d03285.pdf (visited Jun. 25, 2019).
[4] Available at https://www.boiseweekly.com/boise/cow-country-the-rise-of-the-cafo-in-idaho/Content?oid=1755457 (visited Jun. 25, 2019).

role that the Idaho State Department of Agriculture (ISDA) plays in overseeing CAFOs and Idaho's laws exempting CAFO plans from public disclosure. According to the article, in 2009, EPA backed out of a Memoranda of Understanding with ISDA and the beef and dairy industries that let ISDA carry out all inspections, because EPA worried ISDA could not enforce the CWA and was worried about close relationship between industry and ISDA.

33. Attached as Exhibit E is a true and correct copy of an EPA webpage on "Estimated Animal Agriculture Nitrogen and Phosphorus from Manure" based on 2007 data.[5] The webpage explains that animal agriculture is a "primary source" of nutrient (nitrogen and phosphorus) pollution and that manure runoff from CAFOs "often reaches surface and groundwater systems through surface runoff or infiltration." The webpage states: "Permitting discharging CAFOs to limit nitrogen and phosphorus discharge to surface waters, and implementing best management practices outlined in a manure management plan are critical steps to protection water quality." The table on the webpage shows Idaho is among the states with high estimated animal manure rates.

[5] Available at https://www.epa.gov/nutrient-policy-data/estimated-animal-agriculture-nitrogen-and-phosphorus-manure (visited Jun. 25, 2019).

34. Attached as Exhibit F is a true and correct copy of an EPA table providing a summary of NPDES CAFO permits by state in 2017.[6] Notably, while Idaho has 365 CAFOs, not a single CAFO in Idaho holds an NPDES permit, including the general NPDES permit created in 2012.

35. ICL's Snake River Campaign is important to ICL's members, many of whom live, work, and recreate on or near the Snake River. I know ICL members who use the Snake River to get their drinking water, whitewater raft, swim, fish, and engage in other activities that depend on a healthy and clean Snake River.

36. I regularly visit the Snake River for personal and professional purposes. I intend to continue regularly visiting the Snake River as I have in the past and would like to visit the Snake River even more. However, due to water quality concerns, I spend less time on and around the Snake River than I would like.

37. In June 2019, I visited the Snake River near the City of Twin Falls, below the discharge for the Twin Falls wastewater treatment plant. Due to low water flows, high levels of nutrient pollution—which come from point sources like the City's wastewater treatment plant—and other water quality issues, I observed aquatic plants, known as macrophytes, in the Snake River. Macrophytes, which have grown in abundance and increasingly create problems, can impair water

[6] Available at https://www.epa.gov/sites/production/files/2018-05/documents/tracksum_endyear_2017.pdf (visited Jun. 25, 2019).

quality, fish habitat, and recreation. I visited the Snake River to investigate current rates of macrophytic growth, and to identify water quality concerns. Based on what I saw, my level of concern has grown. The water had a distinctive greenish tint, appeared murky and was not inviting for fishing, swimming, wading, or other activities I would like to do in the Snake River. There were areas where the previous year's macrophytes were still visible. In addition, sediment was coating many of the rocks, which provides an optimal seedbed for macrophytes. I plan to return to the area to monitor growth of macrophytes and to compare conditions later in 2019 and in 2020. When I return, I hope to see clean water, healthy fish, and other healthy aquatic life, and I would like to wade in and swim in the River. However, I worry that the River will still be polluted and not suitable, pleasant, or safe for such activities.

38. During the spring of 2018, I visited multiple areas along the Snake River as a guest of the Twin Falls Canal Company to observe areas of water quality concern and observe projects being implemented to capture sediment and nutrients, in an effort to improve water quality in the river. I visited Milner Dam, upstream from Twin Falls, which completely diverts the flow of the river for portions of the year. I also visited several areas where artificial wetlands have been created to slow down agricultural return flows in order to capture sediment. I learned about efforts to convert farmers to more efficient sprinkler irrigation,

which reduces erosion and sedimentation as compared to flood irrigation techniques. I also learned about the coulees and other tributaries that flow into the Snake River that are a major source of sediment and nutrients. I plan to return to many of the areas to monitor progress and to visit other projects as they are constructed. I worry that even if these projects are successful, there are so many point sources—including CAFOs—and other pollution sources to the Snake River that water quality will remain degraded and the River will still not be fishable and swimmable.

39. In 2018, I participated in an overflight of the Snake River with EcoFlight, a Colorado-based non-profit that spotlights environmental issues through overflights. I travelled with colleagues and members of the news media to view the extent and impacts of CAFOs and other industrial-scale dairy farming activities on the Snake River in southern Idaho. I saw dozens of large dairies and their accompanying facilities, including wastewater lagoons, manure stacks, milking sheds, shade barns, and other building, yards, and enclosures. At several dairy farms, I was struck by the unnatural color of the water in the waste lagoons. We also flew over the large Simplot Feedlot near Grandview, Idaho, one of the largest feedlots in the nation, which has a capacity estimated at 150,000 cattle. I am concerned that none of these CAFOs are covered by NPDES permits. I am confident that pollutants are entering waters of the United States from these

operations, and that the permitting and monitoring authority is placed within ISDA, which has less robust protections in place for the environment. I look forward to future field trips and overflights with EcoFlight, or other similar organizations to view changes over time.

40. In 2018, I visited the Fort Hall Indian Reservation and went fishing and explored in the Fort Hall Bottoms. The area is fed by many natural springs that appear to provide cold, clean water refugia for fish and other aquatic species and which flow into the nearby Snake River. Because the water is cleaner here than on the nearby Snake River, there is better fish habitat. I saw children swimming, and I was able to wade and fish without concern for my health or the health of the environment. I plan to return to the Fort Hall Bottoms in September of 2019 to fish for trout, a cold-water dependent fish species.

41. I also hope to visit and fish near the outlet of American Falls Dam on the Snake River in southern Idaho. I have heard trout fishing can be good there. I enjoy eating fish that I catch, but out of my concern for water quality in the Snake River, I would not plan to eat any of the fish that I might catch near the outlet of American Falls Dam.

42. These are just some of my recent visits to the Snake River. I have also fished for steelhead and other trout over the years at several locations on the Snake River and its major tributaries. In 2015, I visited the Snake River near Lewiston,

Idaho, and fished for steelhead. I travelled on the river to Buffalo Eddy, a historic site important to the Nez Perce Tribe. In 2014, I visited the Grand Ronde River in Oregon, which flows to the Snake River, and fished for steelhead that travel between the Grand Ronde and the Snake. From 2007 to 2010, on two separate occasions I visited and fished Henry's Lake, which is in the headwaters of the Henry's Fork of the Snake River, near Island Park. Around 2010, I visited and fished the Warm River, a tributary to Henry's Fork. From 2002 through 2004, when I lived in Moscow, Idaho, I drove across the Snake River on numerous occasions and fished for steelhead nearby in the Clearwater River, the largest tributary to the Snake River.

43. Notably, most of my fishing has been limited to the upper Snake River in eastern Idaho and the lower Snake River in north Idaho where water quality is better and fish populations are healthier. I have hardly spent any time fishing the middle Snake River watershed. Living in Boise, I am much closer to the middle Snake River, and I would like to fish there more. However, many native fish populations are depressed or non-existent due, at least in part, to water pollution in the middle Snake River. I would like to fish for salmon and trout in the middle Snake River above Hells Canyon. However, while reintroducing salmon to the area has been identified as important to help recover Idaho's threatened salmon runs, scientists and fishery experts have recognized the middle Snake River is

currently too polluted to support salmon above Hells Canyon. Additionally, even where there are fish to catch in the middle Snake River, many are unsafe for human consumption. Not far from Boise, where the middle Snake River enters Hells Canyon, the River is so polluted with mercury and other harmful pollutants that the State of Idaho issues fish consumption advisories warning people not to eat fish caught there.

44. I am harmed personally, and ICL is directly harmed, by EPA's approval of the IDPES program, because the program fails to protect and restore the Snake River to the degree required by the CWA.

45. As already explained above, the IPDES program does not give the State the full suite of civil and criminal enforcement authority called for under the CWA. This interferes with the State's ability to pursue enforcement against violators and reduces the deterrent effect of the CWA's enforcement provisions. As a result, there will likely be more unauthorized discharges to the Snake River without NPDES permits, or without complying with the terms of those permits. Unpermitted discharges interfere with ICL's key organizational goal to make the Snake River swimmable and fishable, degrade my experiences on the Snake River, and prevent me from fishing, wading, and swimming in the Snake River. Additionally, ICL already expends funds to protect the Snake River from unpermitted pollution discharges, and under the IPDES program, ICL will have to

spend even more funds to investigate and enforce the CWA. This will take away from ICL's ability to fund other organizational priorities.

46. ICL and I are also harmed by EPA's approval of the IPDES program because EPA effectively authorized ISDA to run the NPDES program for CAFOs in Idaho without following the CWA's requirements. The IPDES program, as approved by EPA, ostensibly delegates NPDES permitting authority to IDEQ. However, EPA knew when it approved the program that in reality ISDA will run most of the NPDES program for CAFOs in Idaho. Without following the CWA's requirements for authorizing the CAFO NPDES program to ISDA, there are no assurances that ISDA's program meets the minimum requirements of the CWA and will result in adequate permitting, public participation, information disclosure, monitoring, and enforcement against CAFOs.

47. This is particularly concerning given the proliferation of CAFOs in Idaho on and near the Snake River and the massive quantities of pollutants they generate. Without adequately regulating CAFOs throughout the middle Snake River, ICL cannot achieve its Snake River Campaign goal of making the Snake River fishable and swimmable, and ICL will have to expend funds and other resources to address CAFO pollution, diverting funds from other organizational priorities. Additionally, my experiences visiting the Snake River will be degraded.

48. ICL's direct organizational injuries and my personal injuries will be redressed by a favorable decision from this Court. By finding EPA unlawfully approved the IPDES program and remanding EPA's decision, EPA and Idaho will have to address the shortcomings described above and create a suitable IPDES program that meets the minimum requirements of the CWA. This will give Idaho full enforcement authority and ensure the CAFO program is adequate, which in turn will bring about more CWA compliance in the waters I personally enjoy and waters critical to ICL's mission. Such a favorable decision will also save ICL from diverting funds from other organizational priorities. If the IPDES program moves forward as is, ICL will have to spend additional funds to protect waters from point source pollution.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of June, 2019, at Boise, Idaho.

/s/ Jonathan D. Oppenheimer
Jonathan D. Oppenheimer