Idaho House of Representatives

Rep. Heather Scott, 2A

Rep. Dale Hawkins, 2B

Rep. Kyle Harris, 7A

Rep. Charlie Shepard, 7B

Idaho State Senate

Senator Phil Hart, 2

Senator Cindy Carlson, 7

DISTRICT 2,
Benewah, Clearwater, Kootenai, Shoshone, Bonner Counties

DISTRICT 7,
Adams, Idaho, Nez Perce Counties

August 18, 2026

Forest Supervisor, Jon Word
Nez Perce-Clearwater National Forests
U.S. Forest Service
903 3rd Street
Kamiah, Idaho 83536

District Ranger, Robyn Smith
Red River Ranger District
Nez Perce-Clearwater National Forests

RE: Obstruction of Mining-Claim Access and Placement of Trees in the Red River

Dear Jon Word and Robyn Smith:

We are writing to express serious concern regarding reports that hundreds of trees were recently felled and placed in and across the Red River, near Elk City Idaho. A few legislators visited the site and confirmed the reports. Mining claimants have also informed us that trees are blocking and impairing access and this is resulting in a material interference to mining operations.

The timing and scale of this activity are especially concerning. Claimants who have historically accessed and worked their claims this time of year are now reporting that they cannot reasonably reach them, and by law, cannot remove woody debris from the stream. This raises questions about who authorized the activity, its purpose, whether existing mining rights were evaluated, and whether affected claimants received notice or an opportunity to provide input.

We are also concerned that this activity may be connected to the **Red River Meadow, River, and Floodplain Conceptual Design Project**. The March 31, 2025 request for proposals identifies the Nez Perce-Clearwater National Forest as a project partner and includes Forest Service property in the French Gulch and Red River Narrows areas. The document calls for evaluating in-channel features and preparing a materials acquisition plan involving large wood and boulders.

However, the document appears to be a solicitation for conceptual design work. It does not itself appear to authorize tree cutting, placement of large wood in the river, construction, or the obstruction of access to existing mining claims.

Federal law does not give mining claimants unrestricted use of National Forest lands, but it does protect valid mining operations from material interference. Under **30 U.S.C. § 612(b)**, use of the surface of an unpatented mining claim by the United States, its permittees, or licensees must not endanger or materially interfere with prospecting, mining, processing, or reasonably incident uses. In addition, **36 C.F.R. § 228.12** provides that a mining operator is entitled to access in connection with mining operations, subject to applicable operating-plan and environmental-protection requirements.

Accordingly, we request that the Forest Service:

1. **Immediately inspect the affected portions of the Red River** and document the number, location, and ownership of the trees that were felled or placed in or across the river.
2. **Identify the individual, contractor, agency, tribe, organization, or project partner responsible** for cutting or placing the trees.
3. **Provide the legal and administrative authority** under which this work occurred, including any:
    - Forest Service decision memorandum or decision notice;
    - National Environmental Policy Act analysis or categorical exclusion;
    - project authorization, special-use permit, agreement, or contract;
    - Clean Water Act permit or authorization;
    - Endangered Species Act consultation;
    - cultural-resource or Section 106 consultation;
    - Idaho stream-channel alteration permits or other state authorization; and
    - maps, engineering plans, work orders, inspection reports, and photographs.
4. Explain whether the activity was connected in any way to the **Red River Meadow, River, and Floodplain Project** or any related restoration project.
5. Identify all active or potentially valid mining claims within or adjacent to the affected area and explain what analysis was conducted regarding impacts on those claims and their established access routes.
6. Explain whether mining claimants were notified or consulted before the work occurred and provide copies of any notices or communications sent to them.
7. Explain what alternative access will be provided where an established route has been obstructed and provide a timeline for restoring reasonable and safe access before additional mining-season opportunities are lost.
8. **Suspend any further tree-felling, placement of large woody material, or access-obstructing activity** in the affected area until the Forest Service determines whether the work is interfering with valid mining rights and confirms that all necessary authorizations were obtained.
9. Preserve all documents, emails, text messages, photographs, maps, contracts, and communications concerning the tree cutting, placement of woody material, claimant access, and related restoration work.

The miner claimants in this stretch of river have been denied dredging access to their claims since 1998. This situation now may be causing claimants to lose a substantial portion of already limited access. It may also create safety hazards, alter river conditions, and expose the public and claimants to unnecessary risks. If the trees were intentionally placed as part of a restoration project, protection of existing mining rights and reasonable access should have been addressed before implementation.

Please provide a written response within **ten business days**, including the name and contact information of the Forest Service official responsible for investigating this matter. We also request an on-site meeting with Forest Service personnel and affected mining claimants as soon as practicable.

We support responsible stewardship of Idaho's rivers and fisheries. However, restoration activities must be lawful, transparent, properly authorized, and implemented without unlawfully interfering with valid existing rights.

Thank you for your prompt attention to this matter.

Sincerely,

Representative Heather Scott, 2A
208-920-3120

Representative Charlie Shepard, 7B
208-859-0023

Representative Dale Hawkins, 2B
208-568-1275

Senator Phil Hart, 2
208-659-5588

Representative Kyle Harris, 7A
208-553-8704

Senator Cindy Carlson, 7
208-494-2633

bcc:

Regional Forester, U.S. Forest Service, Northern Region, Troy Heithecker
Idaho County Commissioners
Idaho Department of Lands
Idaho Department of Water Resources
Idaho Department of Environmental Quality
Nez Perce Tribe Department of Fisheries Resources Management
Affected Mining Claimants
Senator Jim Risch
Bureau of Land Management
U.S. Forest Chief, Tom Shultz
Idaho Attorney General, Raul Labrador