



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
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MAR 24 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 21, 2025

CERTIFIED MAIL: 7021 2720 0002 4324 3038
RETURN RECEIPT REQUESTED

NOTICE

Tubbs Livestock	:	
C/O Brian and Shelli Tubbs	:	Unauthorized Use and Development
3469 E 3100 N	:	
Kimberly, ID 83341	:	

NOTICE TO CEASE AND DESIST
NOTICE OF TRESPASS

Dear Brian and Shelli Tubbs,

You are hereby notified that the Bureau of Land Management has evidence which indicates that you are in trespass. As you indicated to Matt Courtney, BLM Realty Specialist, Huff Creek LLC excavated and scalped the banks, removed soil and wetland and riparian vegetation along Huff Creek located on BLM-managed lands. In addition, you diverted water by creating a ditch. We allege that you violated the law specified below and the regulations approved by the Secretary of the Interior pursuant to the authority vested in him by said law. Therefore, it is our opinion that you:

Are in violation of: The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

And are in violation of the following regulations: Title 43 CFR, § 2808.10 and § 9262.1 (copies attached).

On the following described land: a portion of the SW1/4SW1/4 of Section 2, Township 1 South, Range 22 East, Boise Meridian, Blaine County, Idaho and a portion of the NE1/4NE1/4 of Section 10, Township 1 South, Range 22 East, Boise Meridian, Blaine County, Idaho. (Map Attached)

As a consequence of this act, you are liable for the following:

1. Reimbursing the United States for all costs incurred in investigating and terminating the trespass;
- (2) Paying the rental for the lands, as provided for in subpart 2806 of this part, for the current and past years of trespass, or, where applicable, the cumulative value of the current use fee, amortization fee, and maintenance fee for unauthorized use of any BLM-administered road; and
- (3) Rehabilitating and restoring any damaged lands or resources. If you do not rehabilitate and restore the lands and resources within the time set by BLM in the trespass settlement notice, you will be liable for the costs the United States incurs in rehabilitating and restoring the lands and resources.

You must permanently cease and desist from the violations charged.

It has come to our attention that The Nature Conservancy has approved a remediation plan for the private lands portion the trespass took place on, in which they hold a conservation easement. We have received and reviewed the plan and do not authorize the actions outlined in the plan to occur on BLM-managed lands. We have questions/concerns and would like them to be addressed before any action takes place on public lands. If you chose to start working on the remediation plan on private lands before our concerns are addressed, it is your responsibility to ensure the plan is not being implemented on public land.

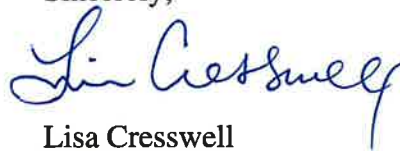
We have received information that you are no longer own Blaine County parcels # RP01S22002493B and # RP01S22003494B. We would like to discuss this matter as well to ensure that the new owners are aware of the trespass violations that have occurred on public lands. Due to the location of the unauthorized use occurring on public lands only being accessible by traversing the private parcels you once owned; we also request that you show you have permission from the current landowners to access these areas.

You are **allowed 15 days** from receipt of this letter to contact our office and arrange settlement of your trespass liability.

Failure to comply with this notice and resolve your trespass liability may result in trespass penalties and a citation for your appearance before a designated United States Magistrate who may impose a fine of not more than \$1,000 or imprisonment of not more than 12 months, or both, under Title 43 CFR §9262.1.

Please contact Matt Courtney, Realty Specialist at (208) 732-7206 or mbcourtney@blm.gov. You may also contact myself at (208) 732-7227. We hope to work with you to get this matter resolved.

Sincerely,



Lisa Cresswell
Field Manager

Enclosures

1. Title 43 CFR §2808.10 (1 p)
2. Title 43 CFR §9262.1 (1 p)
3. Map of Trespass area

cc:

Blaine County Planning & Zoning
Idaho Department of Water Resources
U.S. Army Corps of Engineers
Lost River Fish Ecology- Jim Gregory

This content is from the eCFR and is authoritative but unofficial.

Title 43 — Public Lands: Interior

Subtitle B — Regulations Relating to Public Lands

Chapter II — Bureau of Land Management, Department of the Interior

**Subchapter B — Land Resource Management (2000) Group 2000—Land Resource Management;
General**

Part 2800 — Rights-of-Way Under the Federal Land Policy and Management Act

Subpart 2808 — Trespass

Authority: 43 U.S.C. 1733, 1740, 1763, 1764, and 3003.

Source: 70 FR 21058, Apr. 22, 2005, unless otherwise noted.

§ 2808.10 What is trespass?

- (a) Trespass is using, occupying, developing, or subleasing the public lands or their resources without a required authorization or in a way that is beyond the scope and terms and conditions of your authorization. Trespass is a prohibited act.
- (b) Trespass includes acts or omissions causing unnecessary or undue degradation to the public lands or their resources. In determining whether such degradation is occurring, BLM may consider the effects of the activity on resources and land uses outside the area of the activity.
- (c) There are two kinds of trespass, willful and non-willful.
 - (1) **Willful trespass** is voluntary or conscious trespass and includes trespass committed with criminal or malicious intent. It includes a consistent pattern of actions taken with knowledge, even if those actions are taken in the belief that the conduct is reasonable or legal.
 - (2) **Non-willful trespass** is trespass committed by mistake or inadvertence.

[70 FR 21058, Apr. 22, 2005, as amended at 89 FR 25965, Apr. 12, 2024]

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Title 43 —Public Lands: Interior**Subtitle B —Regulations Relating to Public Lands****Chapter II —Bureau of Land Management, Department of the Interior****Subchapter I —Technical Services (9000) Group 9100—Engineering****Part 9260 —Law Enforcement—Criminal****Subpart 9262 —Land Resource Management**

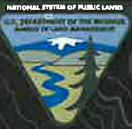
Authority: 16 U.S.C. 4601-6a, 16 U.S.C. 670h, 16 U.S.C. 1246(i), 16 U.S.C. 1336, 43 U.S.C. 315a, 43 U.S.C. 1733(a), 43 U.S.C. 1740, and Executive Order 11644, 37 FR 2877, 3 CFR, 1971-1975 Comp., p. 666.

Source: 45 FR 31276, May 12, 1980, unless otherwise noted.

§ 9262.1 Penalties for unauthorized use, occupancy, or development of public lands.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) any person who knowingly and willfully violates the provisions of §§ 2808.10(a), 2812.1-3, 2888.10, or 2920.1-2(a) of this chapter, by using public lands without the requisite authorization, may be tried before a United States magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both.

[70 FR 21090, Apr. 22, 2005]



Tubbs Livestock- Huff Creek Trespass

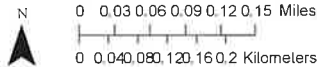
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3/11/2025



- BLM ID Surface Management Agency (SMA)
- Bureau of Land Management
 - National Park Service
 - Private
 - Areas of Trespass



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