



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Winnemucca District Office

Humboldt River Field Office

5100 East Winnemucca Boulevard

Winnemucca, Nevada 89445

Phone: (775) 623-1500 Fax: (775) 623-1740

Email: wfoweb@blm.gov

<https://www.blm.gov/office/winnemucca-district-office>

In Reply Refer To:

N-100476

9230 (NVW010.36)

SEP 15 2021

VIA EMAIL

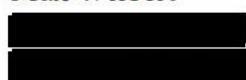
CERTIFIED MAIL NO. 9171 9690 0935 0211 8472 48 - RETURN RECEIPT REQUESTED

CERTIFIED MAIL NO. 9171 9690 0935 0211 8472 31 - RETURN RECEIPT REQUESTED

William Falk



Max Wilbert



TRESPASS DECISION/NOTICE TO REMOVE

Will Faulk & Max Wilbert:

On August 5, 2021, you were advised, by hand delivery, that the United States of America, through the Bureau of Land Management (BLM), had initiated trespass proceedings against you under the Federal Land Policy and Management Act of 1976 (43 U.S.C § 1701 et seq.) and 43 C.F.R. § 2920.1-2 for certain unauthorized use, occupancy, or development of the public lands, which were described as two latrines (Area 2: Wooden pallets enclosed latrine using buckets, .009 acre and Area 3: Plywood enclosed latrine directly into the ground, .71 acre) and a wind guard, which was subsequently removed (Area 1: Approximately 10 pieces of plywood constructed with approximately 15 t-posts).

The purpose of our August 5 letter was to provide you time in which to present evidence or information to show you are not in trespass or effect a settlement for trespass damages. Although you informed the BLM in an August 20, 2021, email that the three structures had been removed, there are two unauthorized latrines still in the area described in the August 5 notice. Accordingly, based on your response and BLM's investigation, the BLM has determined that you are in trespass and that your trespass liability dates to March 16, 2021.

Now that the BLM has determined that you are in trespass under 43 C.F.R. § 2920.1-2, you are liable for the administrative costs incurred by the United States as a consequence of such trespass (including those costs related to investigating and resolving the trespass), the fair market value

INTERIOR REGION 10 • CALIFORNIA-GREAT BASIN

CALIFORNIA*, NEVADA*, OREGON*

* PARTIAL

rental of the land for the current year and rehabilitating and stabilizing the lands and public resources involved. Your liability of \$49,890.13 is summarized on the enclosed bill. In addition to these costs, if you do not rehabilitate and stabilize the public lands (including removal of all structures and personal property located within the structures) at issue by October 15, 2021, you will be liable for the costs incurred by the United States in rehabilitating and stabilizing such lands.

Failure to resolve this trespass may result in you being tried before a United States magistrate, fined not more than \$1,000 or imprisoned for not more than 12 months, or both, under 43 C.F.R. § 9262.1. Additionally, failure to satisfy your trespass liability could affect your ability to receive future land use authorizations under 43 C.F.R. §§ 2920.1-2(d) and 9239.0-9.

In accordance with 43 C.F.R. § 2920.1-2(f), you may appeal this decision under 43 C.F.R. Part 4 to the Interior Board of Land Appeals within 30 days of receipt of this decision.

Dated this day 15th day of September 2021.



Kathleen Rehberg, Field Manager Humboldt River FO

Enclosures

Trespass bill
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

U.S. Department of the Interior, Bureau of Land Management
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

WITH COPY TO
SOLICITOR....

U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Advance Bill Notice

Bill Number: 2021045154

Date: 09/15/2021

Make Remittance Payable To DOI/BLM and Mail To:
HUMBOLDT RIVER FIELD OFFICE
5100 E, WINNEMUCCA BLVD
WINNEMUCCA, NV 89445
(775)623-1500

Please include bill
number on all
remittances.

Payor: WILLIAM FALK
[REDACTED]

DATE	DESCRIPTION	AMOUNT
	ADMINISTRATIVE COSTS FOR THE INVESTIGATION AND PROCESSING OF THE TRESPASS AT THACKER PASS. ADDITIONAL RESPONSIBLE PERSON IS MAX WILBERT [REDACTED] REF NO: NVN 100476	\$49,890.13
	BLM CONTACT: JEN BARNETT, (775)623-1582	
AMOUNT DUE THIS BILL:		\$49,890.13
DATE DUE:		10/15/2021
<ul style="list-style-type: none">• Additional responsible person is: Max Wilbert [REDACTED]• Payment is due within 30 days of date of receipt (certified receipt documentation).• See attached Payment Instructions and Details.• If the above name and address is incorrect, please contact the BLM office listed above.		

This Bill was generated by the automated BLM Collections and Billings System and is a paper representation of a portion of the official electronic record contained therein.

PAYMENT INSTRUCTIONS AND DETAILS

Revised 06/07/2021

- Please return a copy of this Bill for Collection, Advance Bill Notice, or Courtesy Statement with payment or include the Bill Number on your remittance.
- Payment can be made by cash, check, money order or credit card (VISA, MasterCard, Discover, and American Express) or by Electronic Fund Transfer (EFT) via automated clearing house (ACH) or wire transfer.

Notice to Customers Making Payment by Check

- When you provide a check as payment, you authorize BLM either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

Privacy Act - A Privacy Act Statement required by 5 U.S.C. §552a(e)(3) stating our authority for soliciting and collecting the information from your check, and explaining the purposes and routine uses which will be made of your check information, is available from the Federal Register at:

<https://www.federalregister.gov/articles/2003/02/04/03-2521/privacy-act-of-1974-as-amended-system-of-records>

or by calling toll free (at 1-866-945-7920) to obtain a copy by mail. Furnishing the check information is voluntary, but a decision not to do so may require you to make payment by some other method.

- Make checks or money orders payable to DOI/BLM.

Notice to Customers Making Payment via Credit Card

- To pay by credit card, complete the credit card payment form (attached) and return to the billing office.
- Call the office listed on the Bill for Collection to make payment by phone.
- You may use debit cards with the VISA or MasterCard logo.
- Effective June 1, 2015 - credit card payments can only be accepted for amounts of \$24,999.99 or less.

Notice to Customers Making Payment via Electronic Payment

- See attached document for details.

Information required when paying the BLM WITH CREDIT CARD																			
Cardholder Name																			
Amount Paid <small>(Effective 6/1/2015 amount cannot exceed \$24,999.99)</small>	\$																		
Bill for Collection Number																			
Credit Card Type	<table border="1"> <tr> <td>VISA</td> <td>MC</td> <td>DISCOVER</td> <td>AMERICAN EXPRESS</td> </tr> </table>	VISA	MC	DISCOVER	AMERICAN EXPRESS														
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Credit Card Expiration Date	<table border="1"> <tr> <td>MONTH</td> <td></td> <td>YEAR</td> <td></td> </tr> </table>	MONTH		YEAR															
MONTH		YEAR																	
Phone Number (Required)	() -																		
Signature (Required)																			

Information collected from this form may be subject to the requirements of the Privacy Act (5 U.S.C. 552a). This form is used solely as a method of payment for goods and/or services provided to federal agencies, businesses and private individuals by the Bureau of Land Management. The information collected will be stored in a secure location with access limited to designated employees. Any information collected may be subject to disclosure, but will be handled in accordance with the Privacy Act and Freedom of Information Act (FOIA) requirements to ensure protection of personal privacy in the face of required disclosure. Information will not be shared with outside parties except as required by law.

It is a crime for any person knowingly and willfully to make any department or agency of the United States any false, fictitious or fraudulent statement or representations as to any matter within its jurisdiction. (Title 18 U.S.C. Section 1001)

(Cut here and return to BLM)

BLM Information your bank requires when paying the BLM ELECTRONICALLY (ACH)	
FIELD NAME	REQUIRED INFORMATION
BLM's ACH Account Number	312051
ACH ABA Number	051036706
Company/Individual Name	BLM's Office Name (Example - Wyoming State Office) and BLM POC
Identification Number	BLM Bill Number
BLM's ACH Bank Address Phone 800-624-1373	CASH LINK-ACH RECEIVER 5700 Rivertech Court Riverdale MD 20737
BLM's Address	Bureau of Land Management Building 50, Denver Federal Center, PO Box 25047 Denver, CO 80225-0047
BLM Contact Information	CBS Customer Service Desk at 303-236-6795

You are responsible for any fees your financial institution may charge you for the actual transfer of funds. Please verify additional fees charged by your financial institution are not deducted from payment.

BLM Information your bank requires when paying the BLM ELECTRONICALLY(WIRE TRANSFER)	
FIELD NAME	REQUIRED INFORMATION
Receiver DI Number/ Financial Institution	021030004 / Treasury NYC
Beneficiary Identifier/Account Number	14110008
Beneficiary Name	Bureau of Land Management (BLM)
Originator to Beneficiary Information	BLM Bill Number /BLM's Office Name (Example Wyoming State Office)
BLM Contact Information	CBS Customer Service Desk at 303-236-6795
Financial Institution Address	TREASURY NYC 401 14 th Street SW Washington, DC 20327
BLM's Tax ID#	84-0437540

You are responsible for any fees your financial institution may charge you for the actual transfer of funds. Please verify additional fees charged by your financial institution are not deducted from payment.